CITY OF RENTON, WASHINGTON

ORDINANCE NO. 5137

**AN ORDINANCE OF THE CITY OF RENTON, WASHINGTON, AMENDING CHAPTER 3, ENVIRONMENTAL REGULATIONS AND OVERLAY DISTRICTS; CHAPTER 4, CITYWIDE PROPERTY DEVELOPMENT STANDARDS; CHAPTER 8, PERMITS – GENERAL AND APPEALS; CHAPTER 9, PERMITS – SPECIFIC; CHAPTER 10, LEGAL NONCONFORMING STRUCTURES, USES AND LOTS; AND CHAPTER 11, DEFINITIONS; OF TITLE IV (DEVELOPMENT REGULATIONS) OF ORDINANCE NO. 4260 ENTITLED "CODE OF GENERAL ORDINANCES OF THE CITY OF RENTON, WASHINGTON" TO AMEND CRITICAL AREAS REGULATIONS.**

**WHEREAS,** the Growth Management Act mandates an update of the Critical Areas Ordinance based on Best Available Science; and

**WHEREAS,** the City conducted a Best Available Science review of all existing and proposed critical areas regulations as set forth in Exhibit A; and

**WHEREAS,** the City considered functions and values of its shorelines of the state in the "City of Renton Best Available Science Literature Review and Stream Buffer Recommendations" report dated February 27, 2003, prepared by AC Kindig & Company and Cedarock Consultants, Inc. on behalf of the City of Renton; and

**WHEREAS,** the City's stream regulation amendments focus primarily on new buffers, which are designed to develop standard stream buffer widths that would result in no net loss of functions and values. Further, to provide incentives to restore degraded buffer conditions, the City's amendments allow for both standard and flexible review processes, so that applications

proposing to substantially improve functions and values may be allowed to reduce buffer widths with added site-specific studies and mitigation; and

**WHEREAS,** the City considered a best available science review of its wetlands regulations in "Transmittal of Parametrix Review of Wetlands Regulations," Jones & Stokes, dated July 13, 2004, together with "Best Available Science Ordinance Review" by Jim Kelly, PhD, Parametrix, dated June 28, 2004; as well as the memo "City of Renton Wetland Rating System – Field Review" dated March 2, 2005, by Jim Kelly, PhD, Parametrix; and

**WHEREAS,** in most cases, the City expects that the standard wetland buffers will be sufficient to protect the functions and values of wetlands. However, the City Council also recognizes: 1) This ordinance would widen buffers as needed to preserve all functions and values, including wildlife. 2) Renton has performed reconnaissance of its wetlands and streams and does understand the functions and values and categories of streams and wetlands in its jurisdiction, increasing confidence in its code structure to protect functions and values by lowering risk. 3) Renton's areas of linked wildlife habitat are limited to those areas where the City has been active in its purchases of wetlands and wetland banks and property along Springbrook Creek, May Creek, and the Black River. The City continues to be active in habitat protection and restoration as evidenced in its Capital Improvement Program 2005 to 2010. 4) Another concentration of higher value wetlands is found in the Soos Creek vicinity outside of the City limits. Renton has added a policy to do cooperative basin planning for the Soos Creek watershed should annexation be imminent and will include such policy in its Year 2005 Comprehensive Plan policy amendments; and

**WHEREAS,** the City participates in Water Resource Inventory Areas 8 and 9 planning processes which are expected to be completed in 2005; and

**WHEREAS,** the City's protection of shorelines and critical areas is multifaceted and includes City ownership of environmentally sensitive sites, regional collaboration, City capital improvement programming that involves habitat restoration, as well as shoreline and critical area regulations; and

**WHEREAS,** the City notified State and local governments and tribal agencies and parties of record of the work program through a notice of application and SEPA determination; and

**WHEREAS,** the City issued a SEPA Determination of Nonsignificance in August 2004, which Determination was timely appealed and which was upheld on appeal by the City's Hearing Examiner on December 16, 2004; and

**WHEREAS,** the City reviewed wetland policy and regulation comments provided by the Washington State Department of Ecology submitted in May 2004 and December 2004 and met with a representative of the State of Washington Department of Ecology on March 23, 2004 and March 14, 2005 and proposed some amendments in responses to comments dated July 13, 2004 and March 2, March 9, and March 15, 2005; and

**WHEREAS,** the City contacted the Washington State Department of Fish and Wildlife (WDFW) to request early agency comment in March 2004, received comments in May 2005, and responded to comments on July 13, 2004; and

**WHEREAS,** the City established a public participation program pursuant to RCW 36.70A.130(2) and provided notice of the update process pursuant to RCW 36.70A.035, provided for early and continuous public participation pursuant to RCW 36.70A.140 by publishing a meeting schedule, provided updates to the schedule on public television, and the City web site; and

**WHEREAS,** the City held periodic public meetings with the Planning Commission between Spring 2003 and Spring 2005 and City Council Planning and Development Committee meetings between Spring 2004 and Spring 2005, as well as televised workshop sessions with the Council Committee of the Whole between January 2004 and September, 2004; and

**WHEREAS,** the City conducted a public open house on July 27, 2004, a focus of which was the proposed critical area related regulation amendments, and a workshop with Seattle/King County Master Builders and neighboring jurisdictions on August 16, 2004; and

**WHEREAS,** the City has provided opportunity for the public to comment on the review and suggest needed revisions of the plan and regulations, and held a public hearings March 2, 2005, and March 21, 2005, on this matter;

**WHEREAS,** the City considered and responded to government agency and public comments as compiled and documented in "Responses to Planning Commission Hearing Comments: Renton Best Available Science Critical Areas Regulations and Shoreline Master Program GMA Integration" dated March 9, 2005 and "Updated Responses to City Council Hearing Comments Renton Best Available Science Critical Areas Regulations and Shoreline Master Program GMA Integration" dated March 31, 2005, both prepared on behalf of the City; and

**WHEREAS,** the proposed critical area regulation and related amendments were made available in public review drafts dated July 13, 2004 and January 26, 2005 together with Planning Commission and Planning and Development Committee amendments in response to comments received by the City through March 31, 2005; and

**WHEREAS,** such Best Available Science and Critical Areas Regulations are in the best interest of the public;

**NOW, THEREFORE,** THE CITY COUNCIL OF THE CITY OF RENTON, WASHINGTON, DOES ORDAIN AS FOLLOWS:

**SECTION I.** The above findings are true and correct in all respects. This ordinance is also supported by the following conclusions based on the adopted findings:

1) The City followed its established public participation program;

2) Revisions are needed to the Critical Areas Regulations;

3) The City has conducted its seven-year update requirement under RCW 36.70A.130 for all portions of the Comprehensive Plan and implementing regulations by completing the portions of the work program needed to implement the Critical Areas, Shorelines and Best Available Science review; and

4) All development standards within these sections were reviewed and those that remained without amendment are found to be in compliance with the Growth Management Act, as amended. All modified, revised or new development regulations are internally consistent and found to be in compliance with the Growth Management Act.

**SECTION II.** Section 4-3-050 of Chapter 3, Environmental Regulations and Overlay Districts, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton,Washington" is hereby amended to read as follows, EXCEPT for the figures in 4-3-050.Q, which are not amended here:

4-3-050 CRITICAL AREAS REGULATIONS:

A. PURPOSE:

1. General: The purposes of this section are to:

a. Manage development activities to protect environmental quality;

b. Assist or further the implementation of the policies of the Growth Management Act, the State Environmental Policy Act, chapter 43.21C RCW, and the City Comprehensive Plan;

c. Provide City officials with information to evaluate, approve, condition or deny public or private development proposals with regard to critical area impacts;

d. Protect the public life, health, safety, welfare, and property by minimizing and managing the adverse environmental impacts of development within and abutting critical areas; and

e. Protect the public from:

i. Preventable maintenance and replacement of public facilities needed when critical area functioning is impaired;

ii. Unnecessary costs for public emergency rescue and relief operations; and

iii. Potential litigation on improper construction practices occurring in critical areas.

2. Aquifer Protection: The overall purpose of the aquifer protection regulations is to protect aquifers used as potable water supply sources by the City from contamination by hazardous materials. Other specific purposes include:

a. Protect the groundwater resources of the City;

b. Provide a means of regulating specific land uses within aquifer protection areas;

c. Provide a means of establishing safe construction practices for projects built within an aquifer protection area; and

d. Protect the City's drinking water supply from impacts by facilities that store, handle, treat, use, or produce substances that pose a hazard to groundwater quality.

3. Flood Hazards: It is the purpose of the flood hazard regulations to:

a. Minimize public and private losses due to flood conditions in specific areas; and

b. Minimize expenditure of public money and costly flood control projects; and

c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; and

d. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard; and

e. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas; and

f. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

4. Geologic Hazards: The purposes of the geologic hazard regulations are to:

a. Minimize damage due to landslide, subsidence or erosion through the control of development; and

b. Protect the public against avoidable losses due to maintenance and replacement of public facilities, property damage, subsidy cost of public mitigation of avoidable impacts, and costs for public emergency rescue and relief operations; and

c. Reduce the risks to the City and its citizens from development occurring on unstable slopes; and

d. Control erosion and sediment run-off from development.

5. Habitat Conservation: The primary purpose of habitat conservation regulations is to minimize impacts to critical habitats and to restore and enhance degraded or lower quality habitat in order to:

a. Maintain and promote diversity of species and habitat within the City; and

b. Coordinate habitat protection with the City's open space system, whenever possible, to maintain and provide habitat connections; and

c. Help maintain air and water quality, and control erosion; and

d. Serve as areas for recreation, education, scientific study, and aesthetic appreciation.

6. Streams and Lakes: The purposes of the stream and lake regulations are to:

a. Protect riparian habitat in order to provide for bank and channel stability, sustained water supply, flood storage, recruitment of woody debris, leaf litter, nutrients, sediment and pollutant filtering, shade, shelter, and other functions that are important to both fish and wildlife; and

b. Prevent the loss of riparian acreage and functions and strive for a net gain over present conditions through restoration where feasible; and,

c. Protect aquatic habitat for salmonid species. Other fish/aquatic species are addressed through Habitat Conservation regulations (see Subsection A.5. above).

7. Wetlands: The purposes of the wetland regulations are to:

a. Ensure that activities in or affecting wetlands not threaten public safety, cause nuisances, or destroy or degrade natural wetland functions and values; and

b. Preserve, protect and restore wetlands by regulating development within them and around them; and

c. Protect the public from costs associated with repair of downstream properties resulting from erosion and flooding due to the loss of water storage capacity provided by wetlands; and

d. Prevent the loss of wetland acreage and functions and strive for a net gain over present conditions.

B. APPLICABILITY – CRITICAL AREAS DESIGNATIONS/MAPPING:

1. Lands to Which These Regulations Apply: The following critical areas, classified in subsections H.1 through M.1 of this Section, are regulated by this section:

a. Aquifer Protection Areas.

b. Areas of Special Flood Hazard.

c. Sensitive Slopes, twenty five percent (25%) to forty percent (40%) and Protected Slopes, forty percent (40%) or greater.

d. Medium, High, and Very High Landslide Hazard Areas.

e. High Erosion Hazards.

f. High Seismic Hazards.

g. Medium and High Coal Mine Hazards.

h. Volcanic Hazard Areas.

i. Critical Habitats.

j. Streams and Lakes.:

i. All applicable requirements of this Section, RMC 4-3-050 apply to Class 2 to 4 water bodies, as classified in RMC 4-3-050.L.1.

ii. Class 5 water bodies, classified in RMC 4-3-050.L.1, are exempt from all provisions of this section, RMC 4-3-050, Critical Areas.

iii. Class 1 water bodies, defined in RMC 4-3-050.L.1 are not subject to this section, RMC 4-3-050, Critical Areas Regulations, and are regulated in RMC 4-3-090, Shoreline Master Program Regulations, and RMC 4-9-197, Shoreline Permits.

k. Wetlands, Categories 1, 2 and 3.

2. Mapping – General:

a. The exact boundary of each critical area depicted on maps referenced herein is approximate and is intended only to provide an indication of the presence of a critical area on a particular site. Additional critical areas may be present on a site. The actual presence of critical areas and the applicability of these regulations shall be based upon the classification criteria for each critical area.

b. The Planning/Building/Public Works Department shall provide an annual docket process to update the maps. As of the effective date of this section (April 4, 2005), critical area reports prepared for permit applications shall be incorporated into critical area mapping as part of the annual docket process. As a result of studies prepared through the permit application process, where the City required increased buffers rather than standard buffers, it shall be noted on the map.

3. Reports and Submittal Requirements: Study requirements and submittal requirements are required in each regulated critical area as follows:

a. General Submittal Requirements – All Critical Areas: See RMC 4-3-050.F, Submittal Requirements and Fees, and RMC 4-8-120, Submittal Requirements Specific to Application Type.

b. Exempt Activities, Study Requirements: See RMC 4-3-050.C.4.c, Reports and Mitigation Plans Required.

c. Aquifer Protection Area Permit Submittal Requirements: See RMC 4-3-050.H.1.e and 4-9-015.E.

d. Flood Hazard Data: Flood hazard data is to be applied pursuant to RMC 4-3-050.I.1.b, Mapping and Documentation.

e. Geologic Hazards Special Studies Required: See RMC 4-3-050.J.2, Special Studies Required.

f. Habitat Conservation Assessment Required: See RMC 4-3-050.K.2, Habitat Assessment Required.

g. Streams and Lakes Studies Required: See RMC 4-3-050.L.3, Study Required.

h. Wetlands Studies Required: See RMC 4-3-050.M.3, Study Required.

C. APPLICABILITY – EXEMPT, PROHIBITED AND NONCONFORMING ACTIVITIES:

1. Applicability: Unless determined to be exempt from permitting and standards, all proposed development, fill, and activities in regulated critical areas and their buffers shall comply with the requirements of this Section. Expansion or alteration of existing activities shall also comply with the requirements of this Section. Any person seeking to determine whether a proposed activity or land area is subject to this Section may request in writing a determination

from the City. Such a request for determination shall contain the information requirements specified by the Department Administrator.

a. Aquifer Protection Areas – Compliance with Regulations: The following developments, facilities, uses and activities shall comply with the applicable provisions and restrictions of this Section and chapters 4-4, 4-5, 4-6, 4-9, and 5-5 RMC for the APA zone in which the developments, facilities, uses and activities are located, except as preempted by Federal or State law:

i. Development Permits: Development permits shall be reviewed for compliance with the aquifer protection requirements of this Section.

ii. Facilities: Facilities, as defined in RMC 4-11-060, Definitions F, which are existing, new, or to be closed are subject to this Section as specified below:

(a) Existing Facilities: All owners of facilities which store, handle, treat, use, or produce hazardous materials or have done so in the past, must comply with the permit requirements, release reporting requirements, and closure requirements as set forth in this Section;

(b) Existing Facilities – Limitation on Material Increase: In Zone 1 of an APA, no change in operations at a facility shall be allowed that increases the quantities of hazardous materials stored, handled, treated, used, or produced in excess of quantities reported in the initial aquifer protection area operating permit with the following exception: An increase in the quantity of hazardous materials is allowed up to the amount allowed for a new facility in Zone 1 as provided by subsection C.8.d(i) of this Section, Prohibited Activities – Aquifer Protection Areas, Zone 1;

(c) New Facilities: All proposals for new facilities within any zone of an aquifer protection area must be reviewed for compliance with this Section prior to issuance of any development permits for uses in which hazardous materials are stored, handled, treated, used or produced or which increase the quantity of hazardous materials stored, handled, treated, used, or produced;

(d) Abandonment: No person, persons, corporation or other legal entity shall temporarily or permanently abandon, close, sell, or otherwise transfer a facility in an APA without complying with the requirements of RMC 4-9-015.F, Closure Permits, and permit conditions of this Section;

iii. Hazardous Materials – Use, Production, Storage, Treatment, Disposal, or Management: Persons that store, handle, treat, use, or produce a hazardous material as defined by chapter 4-11 RMC, Definitions, shall be subject to the requirements of this Section, and as further specified below:

(a) All applications for development permits for uses in which hazardous materials are stored, handled, treated, used or produced or which increase the quantity of hazardous materials stored, handled, treated, used, or produced at a location in the APA must be reviewed for compliance with this Chapter by the Department prior to approval.

(b) The focus of review for all permits will be on the hazardous materials that will be stored, handled, treated, used, or produced; and the potential for these substances to degrade groundwater quality.

(c) An inventory of hazardous materials on forms provided by the Department shall be submitted to the Department upon application for a development permit.

(d) Where required by the Department, plans and specifications for secondary containment shall be submitted and shall comply with subsection H.2.d(i) of this Section, Secondary Containment – Zones 1 and 2. Development permits shall not be issued until plans and specifications for secondary containment, if required, have been approved by the Department.

(e) The Generic Hazardous Materials List attached and incorporated as subsection R of this Section is provided for informational purposes.

iv. Application of Pesticides and Nitrates: Persons who apply pesticides and/or fertilizer containing nitrate in the APA, except for homeowners applying only to their own property, shall comply with subsection H.3 of this Section, Use of Pesticides and Nitrates – APA Zones 1 and 2.

v. Construction Activities: Persons engaged in construction activities as defined in RMC 4-11-030, Definitions C, shall comply with subsection H.7 of this Section, Construction Activity Standards – Zones 1 and 2, and RMC 4-4-030.C.7, Construction Activity Standards – APA Zones 1 and 2;

vi. Fill Material: Persons placing fill material on sites within the APA shall comply with subsection H.8 of this Section, Fill Material, and RMC 4-4-060.L.4, Fill Material;

vii. Fuel Oil Heating Systems: Owners of facilities and structures shall comply with subsection C.8.e(i)(9) and C.8.e(ii)(6) of this Section, Prohibited Activities – Aquifer Protection Areas, Zones 1 and 2, relating to conversion of heating systems to fuel oil and installation of new fuel oil heating systems.

viii. Pipelines: Owners of pipelines as defined in RMC 4-11-160 shall comply with subsection H.6 of this Section, Pipeline Requirements;

ix. Solid Waste Landfills: Owners of existing solid waste landfills shall comply with subsection H.9 of this Section, Regulations for Existing Solid Waste Landfills – Zones 1 and 2;

x. Surface Water Systems: Surface water systems shall meet the requirements of subsection H.5 of this Section, Surface Water Requirements, and RMC 4-6-030.E, Drainage Plan Requirements and Methods of Analysis;

xi. Unauthorized Release: All persons shall comply with subsection H.10 of this Section, Hazardous Materials – Release Restrictions – Zones 1 and 2, and RMC 4-9-015.G, Unauthorized Releases;

xii. Wastewater Disposal Systems: Owners of structures that are connected to existing on-site sewage disposal systems and proposed wastewater disposal systems shall comply with subsection H.4 of this Section, Wastewater Disposal Requirements, and RMC 4-6-040.J, Sanitary Sewer Standards, Additional Requirements that Apply within Zones 1 and 2 of an Aquifer Protection Area.

2. Permit Required:

a. Permit Required – Development or Alteration: Prior to any development or alteration of a property containing a critical area as defined in subsection B of this Section, Applicability – Critical Areas Designations/Mapping, the owner or designee must obtain a development permit, critical area permit, and/or letter of exemption. No separate critical area permit is required for a development proposal which requires development permits or which has received a letter of exemption. If a proposed activity is not exempt and does not otherwise

require a development permit, but is subject to this Section, the Department Administrator shall determine whether to grant or deny a separate critical areas permit based upon compliance with applicable standards and regulations of this Section.

b. Aquifer Protection Area – Operating and Closure Permits: Aquifer protection area operating permit and closure permit requirements are contained in RMC 4-9-015, Aquifer Protection Area Permits.

3. Finding of Conformance Required:

a. General: Conformance with these critical area regulations shall be a finding in any approval of a development permit or aquifer protection area permit, and such finding shall be documented in writing in the project file.

b. Aquifer Protection Areas: No changes in land use shall be allowed nor shall permits for development be issued if the Department finds that the proposed land use, activity, or business is likely to impact the long-term, short-term or cumulative quality of the aquifer. The finding shall be based on the present or past activities conducted at the site; hazardous materials that will be stored, handled, treated, used or produced; and the potential for the land use, activity, or business to degrade groundwater quality.

4. Letter of Exemption:

a. Aquifer Protection, Flood Hazards, Geologic Hazards, Habitat Conservation, Streams and Lakes, Wetlands: Except in the case of public emergencies, all exemptions in subsections C5, C6 and C7 of this Section require that a letter of exemption be obtained from the Department Administrator prior to construction or initiation of activities.

b. Applicability of Section Requirements to Exempt Activities: Exempt activities provided with a letter of exemption may intrude into the critical area or required buffer

subject to any listed conditions or requirements. Exempt activities do not need to comply with mitigation ratios of subsection M11 of this Section, Wetlands Creation and Restoration, or subsection M12 of this Section, Wetland Enhancement, unless required in exemption criteria.

c. Reports and Mitigation Plans Required: A report for the specific critical area affected, and/or enhancement or mitigation plan shall be required pursuant to subsections H to M, unless otherwise waived by the Department Administrator.

d. Administrator Findings: In determining whether to issue a letter of exemption for activities listed in subsections C5, C6, and C7 of this Section, the Administrator shall find that:

i. The activity is not prohibited by this or any other chapter of the RMC or State or Federal law or regulation;

ii. The activity will be conducted using best management practices as specified by industry standards or applicable Federal agencies or scientific principles;

iii. Impacts are minimized and, where applicable, disturbed areas are immediately restored, unless the exemption is a wetland below the size thresholds pursuant to subsection C.5.f.i.

iv. Where water body or buffer disturbance has occurred in accordance with an exemption during construction or other activities, revegetation with native vegetation shall be required.

v. If a hazardous material, activity, and/or facility that is exempt pursuant to this Section has a significant or substantial potential to degrade groundwater quality, then the Department Administrator may require compliance with the aquifer protection

requirements of this Section otherwise relevant to that hazardous material, activity, and/or facility. Such determinations will be based upon site and/or chemical-specific data.

5. Specific Exemptions – Critical Areas and Buffers: Specific exempt activities are listed in the following table. If an "X" appears in a box, the listed exemption applies in the specified critical area and required buffer. If an "X" does not appear in a box, then the exemption does not apply in the particular critical area or required buffer. Where utilized in the following table the term "restoration" means returning the subject area back at a minimum to its original state following the performance of the exempt activity. Activities taking place in critical areas and their associated buffers and listed in the following table are exempt from the applicable provisions of this Section, provided a letter of exemption has been issued per subsection C4 of this Section, Letter of Exemption. Whether the exempted activities are also exempt from permits will be determined based upon application of chapters 4-8 and 4-9 RMC, or other applicable sections of the Renton Municipal Code.

| EXEMPT ACTIVITIES – PERMITTED WITHIN CRITICAL AREAS AND ASSOCIATED BUFFERS | | | | | | |
|---|---|---|---|---|---|---|
| EXEMPT ACTIVITY | Aquifer Protection Area | Flood Hazard Area | Geologic Hazard Area | Habitat Conservation Area | Streams and Lakes: Class 2 to 4 | Wetlands |
| a. Conservation, Enhancement, Education and Related Activities: | | | | | | |
| i. Natural Resource/Habitat Conservation or Preservation: Conservation or preservation of soil, water, vegetation, fish and other wildlife. | X[1] | X | X | X | X | X |
| ii. Enhancement activities as defined in chapter 4-11 RMC. | | X | X | X | X | X |
| iii. Approved Restoration/Mitigation: Any critical area and/or buffer restoration or other mitigation activities that have been approved by the City. | X[1] | X | X | X | X | X |
| b. Research and Site Investigation: | | | | | | |
| i. Education and Research: Nondestructive education and research. | X[1] | X | X | X | X | X |
| ii. Site Investigative Work: Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests and other related activities. Investigative work shall not disturb any more than five percent (5%) of the critical area and required buffer. In every case, impacts shall be minimized and disturbed areas shall be immediately restored at a 1:1 ratio. | X[1] | X | X | X | X | X |
| c. Agricultural, Harvesting, Vegetation Management: | | | | | | |
| i. Harvesting Wild Foods: The harvesting of wild foods in a manner that is not injurious to natural reproduction of such foods and provided the harvesting does not require tilling of soil, planting of crops or alteration of the critical area. | X[1] | X | X | X | X | X |
| ii. Existing/Ongoing Agricultural Activities: Existing and ongoing agricultural activities including farming, | | X | X | X | X | X |

| EXEMPT ACTIVITIES – PERMITTED WITHIN CRITICAL AREAS AND ASSOCIATED BUFFERS | | | | | | |
|---|---|---|---|---|---|---|
| EXEMPT ACTIVITY | Aquifer Protection Area | Flood Hazard Area | Geologic Hazard Area | Habitat Conservation Area | Streams and Lakes: Class 2 to 4 | Wetlands |
| horticulture, aquaculture and/or maintenance of existing irrigation systems. Activities on areas lying fallow as part of a conventional rotational cycle are part of an ongoing operation, provided that the agricultural activity must have been conducted within the last five years. Activities that bring a critical area into agricultural use are not part of an ongoing operation. Maintenance of existing legally installed irrigation, ditch and pipe systems is allowed; new or expanded irrigation, ditch, outfall or other systems are not exempt. If it is necessary to reduce the impacts of agricultural practices to critical areas, the Responsible Official may require a farm management plan based on the King County Conservation District's Farm Conservation and Practice Standards, or other best management practices. | | | | | | |
| iii. Dead or Diseased Trees: Removal of dead, terminally diseased, damaged, or dangerous ground cover or hazard trees which have been certified as such by a forester, registered landscape architect, or certified arborist, selection of which to be approved by the City based on the type of information required, or the City prior to their removal. | X[1] | X | X | X | X: Limited to cutting of hazard trees; such hazard trees shall be retained as large woody debris in the stream/buffer corridor, where feasible. | X: Tree cutting of hazard trees or other woody vegetation accomplished such that trees are retained in the wetland and buffer where feasible. |
| d. Surface Water: | | | | | | |
| i. New Surface Water Discharges: New surface water discharges to wetland Categories 1, 2 and 3, or buffers of Categories 1, 2 and 3, and to streams or lakes from detention facilities, presettlement ponds or | | | | X | X | X |

| EXEMPT ACTIVITIES – PERMITTED WITHIN CRITICAL AREAS AND ASSOCIATED BUFFERS | | | | | | |
|---|---|---|---|---|---|---|
| EXEMPT ACTIVITY | Aquifer Protection Area | Flood Hazard Area | Geologic Hazard Area | Habitat Conservation Area | Streams and Lakes: Class 2 to 4 | Wetlands |
| other surface water management structures; provided, the discharge meets the requirements of the Storm and Surface Water Drainage Regulations (RMC 4-6-030); will not result in significant adverse changes in the water temperature or chemical characteristics of the wetland or stream/lake water sources; and there is no increase in the existing rate of flow unless it can be demonstrated that the change in hydrologic regime would result in equal or improved wetland or stream/lake functions and values. Where differences exist between these regulations and RMC 4-6-030, these regulations will take precedence. | | | | | | |
| ii. New or modified Regional Stormwater Facilities: Regional stormwater management facilities to be operated and maintained under the direction of the City Surface Water Utility that are proposed and designed consistent with the Washington State Department of Ecology Wetlands and Stormwater Management Guidelines or meeting equivalent objectives. For habitat conservation areas, this exemption applies only to Category 1 wetlands. | | | | X | X | X |
| iii. Flood Hazard Reduction: Implementation of public flood hazard reduction and public surface water projects, where habitat enhancement and restoration at a 1:1 ratio are provided, and appropriate Federal and/or State authorization has been received. | | X | | | X | |

| EXEMPT ACTIVITIES – PERMITTED WITHIN CRITICAL AREAS AND ASSOCIATED BUFFERS | | | | | | |
|---|---|---|---|---|---|---|
| EXEMPT ACTIVITY | Aquifer Protection Area | Flood Hazard Area | Geologic Hazard Area | Habitat Conservation Area | Streams and Lakes: Class 2 to 4 | Wetlands |
| e. Roads, Parks, Public and Private Utilities: | | | | | | |
| i. Relocation of Existing Utilities out of Critical Area and Buffer: Relocation out of critical areas and required buffers of natural gas, cable, communication, telephone and electric facilities, lines, pipes, mains, equipment and appurtenances, (not including substations), with an associated voltage of fifty five thousand (55,000) volts or less, only when required by a local governmental agency, and with the approval of the City. Disturbed areas shall be restored. | X[1] | X | X | X | X | X |
| ii. Existing Parks, Trails, Roads, Facilities, and Utilities – Maintenance, Operation, Repair: Normal and routine maintenance, operation and repair of existing parks and trails, streets, roads, rights-of-way and associated appurtenances, facilities and utilities where no alteration or additional fill materials will be placed other than the minimum alteration and/or fill needed to restore those facilities to meet established safety standards. The use of heavy construction equipment shall be limited to utilities and public agencies that require this type of equipment for normal and routine maintenance and repair of existing utility structures and rights-of-way. In every case, critical area and required buffer impacts shall be minimized and disturbed areas shall be restored during and immediately after the use of construction equipment. | | | X | X | X | X |

| EXEMPT ACTIVITIES – PERMITTED WITHIN CRITICAL AREAS AND ASSOCIATED BUFFERS | | | | | | |
|---|---|---|---|---|---|---|
| EXEMPT ACTIVITY | Aquifer Protection Area | Flood Hazard Area | Geologic Hazard Area | Habitat Conservation Area | Streams and Lakes: Class 2 to 4 | Wetlands |
| iii. Utilities, Traffic Control, Walkways, Bikeways Within Existing, Improved Right-of-Way or Easements: Within existing improved public road rights-of-way or easements, installation, construction, replacement, operation, overbuilding, or alteration of all natural gas, cable, communication, telephone and electric facilities, lines pipes, mains, equipment or appurtenances, traffic control devices, illumination, walkways and bikeways. If activities exceed the existing improved area or the public right-of-way, this exemption does not apply. Where applicable, restoration of disturbed areas shall be completed. | | | X | X | X | X |
| iv. Modification of Existing Utilities and Streets by Ten Percent (10%) or Less: Overbuilding (enlargement beyond existing project needs) or replacement of existing utility systems and replacement and/or rehabilitation of existing streets, provided:<br>(1) The work does not increase the footprint of the structure, line or street by more than ten percent (10%) within the critical area and/or buffer areas, and occurs in the existing right- of-way boundary or easement boundary.<br>(2) Restoration shall be conducted where feasible. Compensation for impacts to buffers shall include enhancement of the remaining buffer area along the impacted area where there is enhancement opportunity.<br>(3) The Administrator determines that based on best | | | X | X: Exemption is not allowed in Category 1 wetlands. | | X: Exemption is not allowed in Category 1 wetlands. |

| EXEMPT ACTIVITIES – PERMITTED WITHIN CRITICAL AREAS AND ASSOCIATED BUFFERS | | | | | | |
|---|---|---|---|---|---|---|
| EXEMPT ACTIVITY | Aquifer Protection Area | Flood Hazard Area | Geologic Hazard Area | Habitat Conservation Area | Streams and Lakes: Class 2 to 4 | Wetlands |
| judgment, a person would not: (a) be able to meaningfully measure, detect, or evaluate insignificant effects; or (b) expect discountable effects to occur.<br>(4) This exemption allows for 10% maximum expansion total, life of the project. After the 10% expansion cap is reached, future improvements are subject to all applicable provisions of RMC 4-3-050. | | | | | | |
| v. Vegetation Management/Essential Tree Removal for Public or Private Utilities, Roads, and Public Parks: Maintenance activities, including routine vegetation management and essential tree removal, and removal of non-native invasive vegetation or weeds listed by the King County Noxious Weed Board or other government agency, for public and private utilities, road rights-of-way and easements, and parks. | | X | X | X | X: Trees shall be retained as large woody debris in the stream/buffer corridor, where feasible. | X: Tree cutting and vegetation management accomplished such that trees are retained in the wetland and buffer where feasible. |
| f. Wetland Disturbance, Modification and Removal: | | | | | | |
| i. Any Activity in Small Category 3 Wetlands: Any activity affecting hydrologically isolated Category 3 wetland no greater than two thousand two hundred (2,200) square feet when consistent with all of the following criteria:<br>(1) Standing water is not present in sufficient amounts, i.e. approximately 12 inches to 18 inches in depth from approximately December through May, to support breeding amphibians;<br>(2) Species listed by Federal or State government as endangered or threatened, or the presence of essential habitat for those | | | | | | X |

| EXEMPT ACTIVITIES – PERMITTED WITHIN CRITICAL AREAS AND ASSOCIATED BUFFERS | | | | | | |
|---|---|---|---|---|---|---|
| EXEMPT ACTIVITY | Aquifer Protection Area | Flood Hazard Area | Geologic Hazard Area | Habitat Conservation Area | Streams and Lakes: Class 2 to 4 | Wetlands |
| species, are not present;<br>(3) Some form of mitigation is provided for hydrologic and water quality functions, for example, stormwater treatment or landscaping or other mitigation; and<br>(4) A wetland assessment is prepared by a qualified professional demonstrating the criteria of the exemption are met. The wetland assessment shall be subject to independent secondary review at the expense of the applicant consistent with Section 4-3-050.F.7. | | | | | | |
| ii. Temporary Wetland Impacts: Temporary disturbances of a wetland due to construction activities that do not include permanent filling may be permitted; provided, that there are no permanent adverse impacts to the critical area or required buffer, and areas temporarily disturbed are restored at a 1:1 ratio. Category 1 wetlands and Category 2 forested wetlands shall be enhanced at a 2:1 ratio in addition to being restored. For habitat conservation areas, this exemption applies only to Category 1 wetlands. | | | | X | | X |
| g. Maintenance and Construction – Existing Uses and Facilities: | | | | | | |
| i. Remodeling, Replacing, Removing Existing Structures, Facilities, and Improvements: Remodeling, restoring, replacing or removing structures, facilities and other improvements in existence on the date this section becomes effective and that do not meet the setback or buffer requirements of this section provided the work complies with the criteria in RMC 4-10-010G, Nonconforming | | | X | X | X | X |

| EXEMPT ACTIVITIES – PERMITTED WITHIN CRITICAL AREAS AND ASSOCIATED BUFFERS | | | | | | |
|---|---|---|---|---|---|---|
| EXEMPT ACTIVITY | Aquifer Protection Area | Flood Hazard Area | Geologic Hazard Area | Habitat Conservation Area | Streams and Lakes: Class 2 to 4 | Wetlands |
| Activities. | | | | | | |
| ii. Maintenance and Repair – Any Existing Public or Private Use: Normal and routine maintenance and repair of any existing public or private uses and facilities where no alteration of the critical area and required buffer or additional fill materials will be placed. The use of heavy construction equipment shall be limited to utilities and public agencies that require this type of equipment for normal and routine maintenance and repair of existing utility or public structures and rights-of-way. In every case, critical area and required buffer impacts shall be minimized and disturbed areas shall be restored during and immediately after the use of construction equipment. | | | X | X | X | X |
| iii. Modification of an Existing Single Family Residence: Construction activity connected with an existing single family residence and/or garage; provided, that the work does not increase the footprint of the structure lying within the critical area or buffer; and provided, that no portion of the new work occurs closer to the critical area or required buffers than the existing structure unless the structure or addition can meet required buffers. Existing or rebuilt accessory structures associated with single-family lots such as fences, gazebos, storage sheds, playhouses are exempt from this Section. New accessory structures may be allowed when associated with single family lots such as fences, gazebos, storage sheds, play houses and when built on and located in a previously legally | | | X | X | X | X |

| EXEMPT ACTIVITIES – PERMITTED WITHIN CRITICAL AREAS AND ASSOCIATED BUFFERS | | | | | | |
|---|---|---|---|---|---|---|
| EXEMPT ACTIVITY | Aquifer Protection Area | Flood Hazard Area | Geologic Hazard Area | Habitat Conservation Area | Streams and Lakes: Class 2 to 4 | Wetlands |
| altered area. | | | | | | |
| iv. Existing Activities: Existing activities which have not been changed, expanded or altered, provided they comply with the applicable requirements of chapter 4-10 RMC. | | X | X | X | X | X |
| h. Emergency Activities: | | | | | | |
| i. Emergency Activities: Emergency activities are those which are undertaken to correct emergencies that threaten the public health, safety and welfare pursuant to the criteria in subsection C9b of this Section. An emergency means that an action must be undertaken immediately or within a time frame too short to allow full compliance with this section, to avoid an immediate threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation. | X[1] | X | X | X | X | X |
| ii. Emergency Tree/Ground Cover Cutting or Removal by Agency or Utility: Removal of trees and/or ground cover by any City department or agency and/or public or private utility in emergency situations involving immediate danger to life or property, substantial fire hazards, or interruption of services provided by a utility. | X[1] | X | X | X | X<br>Downed hazard trees shall be retained as large woody debris in the stream/buffer. | X: Tree cutting and vegetation management accomplished such that trees are retained in the wetland and buffer where feasible. |
| iii. Emergency Activities in Aquifer Protection Area: Public interest emergency use, storage, and handling of hazardous materials by governmental organizations. | X[1] | | | | | |
| i. Hazardous Materials: | | | | | | |
| i. Federal or State Pre-emption: Cleanups, monitoring and/or | X[1] | | | | | |

| EXEMPT ACTIVITIES – PERMITTED WITHIN CRITICAL AREAS AND ASSOCIATED BUFFERS | | | | | | |
|---|---|---|---|---|---|---|
| EXEMPT ACTIVITY | Aquifer Protection Area | Flood Hazard Area | Geologic Hazard Area | Habitat Conservation Area | Streams and Lakes: Class 2 to 4 | Wetlands |
| studies undertaken under supervision of the Washington Department of Ecology or the U.S. Environmental Protection Agency. | | | | | | |
| ii. Use of Materials with No Risk: Use, storage, and handling of specific hazardous materials that do not present a risk to the aquifer as determined and listed by the Department. | X[1] | | | | | |
| [1]If a hazardous material, activity, and/or facility that is exempt pursuant to this Section has a significant or substantial potential to degrade groundwater quality, then the Department Administrator may require compliance with the aquifer protection requirements of this Section otherwise relevant to that hazardous material activity and/or facility. | | | | | | |

6. Limited Exemptions: Activities that are exempt from some, but not all provisions of this Section are listed in the following table. If an "X" appears in a box, the listed exemption applies in the specified critical area and required buffer. If an "X" does not appear in a box, then the exemption does not apply in the particular critical area or required buffer. Whether the exempted activities are also exempt from permits will be determined based upon application of RMC Chapters 4-8 and 4-9, or other applicable sections of the Renton Municipal Code.

| LIMITED EXEMPTIONS – WITHIN CRITICAL AREAS AND ASSOCIATED BUFFERS | | | | | | |
|---|---|---|---|---|---|---|
| EXEMPT ACTIVITY | Aquifer Protection Area | Flood Hazard Area | Geologic Hazard Area | Habitat Conservation Area | Streams and Lakes : Class 2 to 4 | Wetlands |
| a. Hazardous Materials: | | | | | | |
| i. Materials for Sale in Original Small Containers: Hazardous materials offered for sale in their original containers of five (5) gallons or less shall be exempt from requirements in subsections H.2.d(i) through (vi) of this Section and the requirements pertaining to removal of existing facilities in subsection H.2.a(i). | X1 | | | | | |
| ii. Activities Exempt from Specified Aquifer Protection Area Requirements: The following are exempt from requirements in subsections H.2.d(i) through (vi) of this Section, the requirements pertaining to review of proposed facilities in subsection C.8.e of this Section, Prohibited Activities – Aquifer Protection Areas, and the requirements pertaining to removal of existing facilities in subsection H.2.a(i). | X1 | | | | | |
| (1) Hazardous materials use, storage, and handling in de-minimus amounts (aggregate quantities totaling twenty (20) gallons or less at the facility or construction site). Weights of solid hazardous materials will be converted to volumes for purposes of determining whether de-minimus amounts are exceeded. Ten (10) pounds shall be considered equal to one gallon.) | X1 | | | | | |
| (2) Noncommercial residential use, storage, and handling of hazardous materials provided that no home occupation business (as defined by chapter 4-11 RMC) that uses, stores, or handles more than twenty (20) | X1 | | | | | |

| LIMITED EXEMPTIONS – WITHIN CRITICAL AREAS AND ASSOCIATED BUFFERS | | | | | | |
|---|---|---|---|---|---|---|
| EXEMPT ACTIVITY | Aquifer Protection Area | Flood Hazard Area | Geologic Hazard Area | Habitat Conservation Area | Streams and Lakes : Class 2 to 4 | Wetlands |
| gallons of hazardous material is operated on the premises. | | | | | | |
| (3) Hazardous materials in fuel tanks and fluid reservoirs attached to a private or commercial motor vehicle and used directly in the operation of that vehicle. | X1 | | | | | |
| (4) Fuel oil used in existing heating systems. | X1 | | | | | |
| (5) Hazardous materials used, stored, and handled by the City of Renton in water treatment processes and water system operations. | X1 | | | | | |
| (6) Fueling of equipment not licensed for street use; provided, that such fueling activities are conducted in a containment area that is designed and maintained to prevent hazardous materials from coming into contact with soil, surface water, or groundwater except for refueling associated with construction activity regulated by subsection H.7 of this Section, Construction Activity Standards – Zones 1 and 2. | X1 | | | | | |
| (7) Hazardous materials contained in properly operating sealed units (transformers, refrigeration units, etc.) that are not opened as part of routine use. | X1 | | | | | |
| (8) Hazardous materials in fuel tanks and fluid reservoirs attached to private or commercial equipment and used directly in the operation of that equipment. | X1 | | | | | |
| (9) Hazardous materials in aerosol cans. | X1 | | | | | |
| (10) Hazardous materials at multi-family dwellings, hotels, motels, retirement homes, convalescent center/nursing | X1 | | | | | |

| LIMITED EXEMPTIONS – WITHIN CRITICAL AREAS AND ASSOCIATED BUFFERS | | | | | | |
|---|---|---|---|---|---|---|
| EXEMPT ACTIVITY | Aquifer Protection Area | Flood Hazard Area | Geologic Hazard Area | Habitat Conservation Area | Streams and Lakes : Class 2 to 4 | Wetlands |
| homes, mobile or manufactured home parks, group homes, and daycare family homes or centers when used by owners and/or operators of such facilities for on-site operation and maintenance purposes. | | | | | | |
| (11)Hazardous materials used for janitorial purposes at the facility where the products are stored. | X1 | | | | | |
| (12) Hazardous materials used for personal care by workers or occupants of the facility at which the products are stored including but not limited to soaps, hair treatments, grooming aids, health aids, and medicines. | X1 | | | | | |
| iii. Uses, Facilities, and Activities in Zone 1 Modified Aquifer Protection Area Exempt from Specified Aquifer Protection Area Requirements: Facilities located in the Zone 1 Modified Aquifer Protection Area in Figure 4-3-050.Q.1 are exempt from the following: | X1 | | | | | |
| 1) Removal requirements in subsection H.2.a(i) of this Section except that the storage, handling, use, treatment, and production of tetrachloroethylene (e.g. dry-cleaning fluid) shall continue to be prohibited; | X1 | | | | | |
| 2) Additional facility requirements in subsection H.2.d(vi) of this Section; | X1 | | | | | |
| 3) Wastewater requirements in subsection 4-6-040.J.1.a but shall be subject to Zone 2 requirements in 4-6-040.J.2; | X1 | | | | | |
| 4) The prohibition of septic systems contained in 4-3-050.C.8.d(i)(2); and | X1 | | | | | |
| 5) Surface water management requirements of 4-6-030.E | X1 | | | | | |

| LIMITED EXEMPTIONS – WITHIN CRITICAL AREAS AND ASSOCIATED BUFFERS | | | | | | |
|---|---|---|---|---|---|---|
| EXEMPT ACTIVITY | Aquifer Protection Area | Flood Hazard Area | Geologic Hazard Area | Habitat Conservation Area | Streams and Lakes : Class 2 to 4 | Wetlands |
| except that –Zone 2 requirements contained in 4-6-030.E shall apply. | | | | | | |
| [1]If a hazardous material, activity, and/or facility that is exempt pursuant to this Section has a significant or substantial potential to degrade groundwater quality, then the Department Administrator may require compliance with the aquifer protection requirements of this Section otherwise relevant to that hazardous material activity and/or facility. | | | | | | |

7. Exemptions in Buffers: The activities listed in the following table are allowed within critical area buffers, and are exempt from the applicable provisions of this Section, provided a letter of exemption has been issued per subsection C4 of this Section, Letter of Exemption. If an "X" appears in a box, the listed exemption applies in the specified buffer. If an "X" does not appear in a box, then the exemption does not apply in the required buffer. Whether the exempted activities are also exempt from permits will be determined based upon application of chapters 4-8 and 4-9 RMC, or other applicable sections of the Renton Municipal Code.

| EXEMPTIONS WITHIN CRITICAL AREA BUFFERS | | | | | | |
|---|---|---|---|---|---|---|
| EXEMPT ACTIVITY | Aquifer Protection Area | Flood Hazard Area | Geologic Hazard Area | Habitat Conservation Area | Streams and Lakes: Class 2 to 4 | Wetlands |
| a. Activities in Critical Area Buffers: | | | | | | |
| i. Trails and Open Space: Walkways and trails, and associated open space in critical area buffers located on public property, or where easements or agreements have been granted for such purposes on private property. All of the following criteria shall be met.<br>(1) The trail, walkway, and associated open space shall be consistent with the Comprehensive Parks, Recreation, and Open Space Master Plan. The City may allow private trails as part of the approval of a site plan, subdivision or other land use permit approvals.<br>2) Trails and walkways shall be located in the outer 25% of the buffer, i.e. the portion of the buffer that is farther away from the critical area. Exceptions to this requirement may be made for:<br>Trail segments connecting to existing trails where an alternate alignment is not practical.<br>Public access points to water bodies spaced periodically along the trail.<br>(3) Enhancement of the buffer area is required where trails are located in the buffer. Where enhancement of the buffer area adjacent to a trail is not feasible due to existing high quality vegetation, additional buffer area or other mitigation may be required.<br>(4) Trail widths shall be a maximum width of twelve (12) feet. Trails shall be constructed of permeable materials. Impervious materials may be allowed if pavement is required for handicapped or emergency access, or safety, or is a designated nonmotorized transportation route or makes a connection to an already dedicated trail, or reduces potential for other environmental impacts. | | | X | X | X | X |
| ii. Stormwater Management Facilities in Buffer: Stormwater management facilities in critical area buffers including stormwater dispersion outfall systems designed to minimize impacts to the buffer and critical | | | | X | X | X |

| EXEMPTIONS WITHIN CRITICAL AREA BUFFERS | | | | | | |
|---|---|---|---|---|---|---|
| EXEMPT ACTIVITY | Aquifer Protection Area | Flood Hazard Area | Geologic Hazard Area | Habitat Conservation Area | Streams and Lakes: Class 2 to 4 | Wetlands |
| area, where the site topography requires their location within the buffer to allow hydraulic function, provided the standard buffer zone area associated with the critical area classification is retained pursuant to RMC 4-3-050.M.6.c. or RMC 4-3-050.L, and is sited to reduce impacts between the critical area and surrounding activities. For Habitat Conservation Areas, this exemption applies only to Category 1 wetlands. Stormwater management facilities located in wetland buffers shall require buffer enhancement or buffer averaging when they are sited in areas of forest vegetation. | | | | | | |

8. Prohibited Activities: Prohibited activities are identified below for each critical area governed by this Section.

a. General – All Critical Areas: No action shall be taken by any person, company, agency, or applicant which results in any alteration of a critical area except as consistent with the purpose, objectives, and requirements of this section.

b. Prohibited Activities – Floodways: Encroachments, including fill, new construction, substantial improvements, and construction or reconstruction of residential structures is prohibited within designated floodways, unless it meets the provisions of subsection I.4 of this Section, Additional Restrictions within Floodways.

c. Prohibited Activities – Streams/Lakes and Wetlands: Grazing of animals is not allowed within a stream, lake, wetland or their associated buffers.

d. Prohibited Changes in Land Use and Types of New Facilities– Aquifer Protection Areas:

i. Zone 1:

(1) Changes in land use and types of new facilities in which any of the following will be on the premises:

(a) More than five hundred (500) gallons of hazardous material;

(b) More than one hundred fifty (150) gallons of hazardous material in containers that are opened and handled;

(c) Containers exceeding five (5) gallons in size; or

(d) Tetrachloroethylene (e.g. dry-cleaning fluid).

(2) Surface impoundments (as defined in chapters 173-303 and 173-304 WAC);

(3) Hazardous waste treatment, storage, and disposal facilities;

(4) All types of landfills, including solid waste landfills;

(5) Transfer stations;

(6) Septic systems;

(7) Recycling facilities that handle hazardous materials;

(8) Underground hazardous material storage and/or distribution facilities;

(9) New heating systems using fuel oil except for commercial uses when the source of fuel oil is an existing above-ground waste oil storage tank; and

(10) Petroleum product pipelines.

ii. Zone 2:

(1) Surface impoundments (as defined in chapters 173-303 and 173-304 WAC);

(2) Recycling facilities that handle hazardous materials;

(3) Hazardous waste treatment, storage, and disposal facilities;

(4) Solid waste landfills;

(5) Transfer stations;

(6) New heating systems using fuel oil stored in underground storage tanks; and

(7) Petroleum product pipelines.

9. Temporary Emergency Exemption Procedure:

a. Temporary Emergency Exemption Purpose: Temporary emergency exemptions shall be used only in extreme cases and not to justify poor planning by an agency or applicant.

b. Temporary Emergency Exemption Review Authority and Decision Criteria: Issuance of an emergency permit by the City does not preclude the necessity to obtain necessary approvals from appropriate Federal and State authorities. Notwithstanding the provisions of this section or any other City laws to the contrary, the Department Administrator may issue a temporary emergency exemption letter if the action meets the following requirements:

i. An unacceptable threat to life or severe loss of property will occur if an emergency permit is not granted;

ii. The anticipated threat or loss may occur before a permit can be issued or modified under the procedures otherwise required by this section and other applicable laws;

iii. Any emergency exemption letter granted shall incorporate, to the greatest extent practicable and feasible but not inconsistent with the emergency situation, the standards and criteria required for nonemergency activities under this Section.

c. Temporary Emergency Exemption Letter Process and Timing: The emergency exemption shall be consistent with the following procedural and time requirements:

i. Time Limits: The emergency shall be limited in duration to the time required to complete the authorized emergency activity; provided, that no emergency permit be granted for a period exceeding ninety (90) days except as specified in subsection C9c(ii) of this Section.

ii. Restoration Required: Require, within the ninety (90) day period, the restoration of any critical area altered as a result of the emergency activity, except that if more than ninety (90) days from the issuance of the emergency permit is required to complete restoration, the emergency permit may be extended to complete this restoration. For the purposes of this paragraph, restoration means returning the affected area to its state prior to the performance of the emergency activity.

iii. Public Notice Required: Notice of the issuance of the emergency permit and request for public comments shall be posted at the affected site(s) and City Hall no later than ten (10) days after the issuance of the emergency permit. If significant comments are received, the City may reconsider the permit.

iv. Expiration of Exemption Authorization: The emergency exemption authorization may be terminated at any time without process upon a determination by the Department Administrator that the action was not or is no longer necessary to protect human health or the environment.

10. Nonconforming Activities or Structures: Regulated activities legally in existence prior to the passage of this Section, but which are not in conformity with the provisions of this Section are subject to the provisions of RMC 4-10-090 Nonconforming Activities.

D. ADMINISTRATION AND INTERPRETATION:

1. General Provisions – All Critical Areas:

a. Duties of Administrator: The Planning/Building/Public Works Administrator (the Department Administrator) or his/her duly authorized representative, shall have the power and authority to enforce the provisions of this Section. For such purposes he/she shall have the power of a law enforcement officer.

b. Interpretation: The Department Administrator shall have the power to render interpretations of this Section and to adopt and enforce rules and regulations supplemental to this Section as he/she may deem necessary in order to clarify the application of the provisions of this Code. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this Section.

c. Compliance: Unless specifically exempted by this Section, the City shall not grant any approval or permit any regulated activity in a critical area or associated buffer prior to fulfilling the requirements of this Section.

d. Reviewing Official: Wherever referenced in this Section, Reviewing Official refers to the decision-making official or body authorized to grant permit approval for an activity.

2. Aquifer Protection:

a. Inspections Authorized: The Department Administrator or his/her designee shall have the right to conduct inspections of facilities at all reasonable times to determine compliance with this Section.

i. Annual Inspections: All permitted facilities in an APA will be subject to a minimum of one inspection per year by a Department inspector or designee.

ii. Monthly Inspections: All permitted facilities in Zone 1 of the aquifer protection area will be subject to monthly inspections to determine compliance with the provisions of the Section.

b. Potential to Degrade Groundwater – Zone 2:

i. Potential for Impacts Equal to Facility in Zone 1: If the Department determines that an existing or proposed facility located in Zone 2 of an APA has a potential to degrade groundwater quality which equals or exceeds that of a permitted facility in Zone 1, then the Department may require that facility to fully comply with requirements for Zone 1 contained in subsections H2, Facilities, H4, Wastewater Disposal Requirements, H6, Pipeline Requirements, C8e(ii), Prohibited Activities – APA Zone 1, and C1a(i), Aquifer Protection Areas, Compliance with Section, Development Permits.

ii. Criteria: Criteria used to make the determination in subsection D2b(i) of this Section, Potential for Impacts Equal to Facility in Zone 1, shall include but not be limited to the present and past activities conducted at the facility; types and quantities of

hazardous materials stored, handled, treated, used or produced; the potential for the activities or hazardous materials to degrade groundwater quality; history of spills at the site, and presence of contamination on site.

3. Flood Hazards:

a. Duties and Responsibilities of the Department Administrator or Designee: The duties of the Department Administrator or his/her designee shall include, but not be limited to:

i. Review all development permits to determine that the permit requirements of this Section have been satisfied; and

ii. Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required; and

iii. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of subsection I4 of this Section, Additional Restrictions within Floodways, are met; and

iv. Obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, when base flood elevation data has not been provided in accordance with subsection I1bi of this Section in order to administer subsection I3, Specific Standards, and subsection I4, Additional Restrictions Within Floodways.

b. Information to Be Obtained and Maintained: The Department Administrator or his/her designee shall obtain and maintain the following information:

i. Record Required: Where base flood elevation data is provided through the flood insurance study or required as in subsection D3a(iv) of this Section, Use of Other Base Flood Data, the applicant shall obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

ii. Elevations and Certificates: For all new or substantially improved floodproofed structures:

(1) The applicant shall verify and record the actual elevation (in relation to mean sea level); and

(2) The Department Administrator or his/her designee shall maintain the floodproofing certifications required in subsection D6 of this Section, Flood Hazard Data; and

(3) Flood elevation certificates shall be submitted by an applicant to the Development Services Division prior to the building finished floor construction. Finished floor elevation should be verified by a preconstruction elevation certificate at the time of construction of a substantial structural element of the finished floor (i.e., foundation form for the concrete floor). An as-built elevation certificate will be provided prior to issuance of final occupancy, and the certificates shall be maintained by the Department Administrator or designee.

iii. Public Records: The Department Administrator or his/her designee shall maintain for public inspection all records pertaining to the provisions of the flood hazard regulations (e.g., elevation certificates, notification of alteration/relocation of watercourses, flood hazard regulation variances).

c. Alteration of Watercourses: The Department Administrator, or his/her designee shall:

i. Notice Required: Notify abutting communities and the State of Washington Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

ii. Maintenance: Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished. The City may require covenants, or other mechanisms to ensure maintenance.

d. Interpretation of FIRM Boundaries: The Department Administrator, or his/her designee, shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in RMC 4-1-050F, Hearing Examiner, and RMC 4-8-110, Appeals).

e. Record Required: The Department Administrator, or his/her designee, shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

4. Review Authority:

a. Review Authority – General: The Department Administrator or his/her designee is authorized to make the following administrative allowances and determinations:

i. Issue a critical areas permit for proposals not otherwise requiring a development permit per subsection C3 of this Section, Finding of Conformance Required.

ii. Issue written letters of exemption pursuant to subsection C4 of this Section.

iii. Allow temporary emergency exemptions per subsection C7 of this Section.

iv. Interpret critical areas regulations per subsection D1b of this Section.

v. Approve the use of alternates in accordance with subsection N1 of this Section and RMC 4-9-250E.

vi. Waive report content or submittal requirements per subsection F6 of this Section.

vii. Grant administrative variances to those specified code sections listed in RMC 4-9-250B and per Subsection N of this Section.

viii. Require tests for proof of compliance per RMC 1-3-1E7.

ix. Grant modifications per subsection N of this Section.

b. Review Authority – Geologic Hazards, Habitat Conservation, Streams and Lakes, and Wetlands: The Department Administrator is authorized to make the following administrative allowances and determinations:

i. Geologic Hazards:

(1) Waive independent review of geotechnical reports per subsection F.7 of this Section.

(2) Increase or decrease required buffer for very high landslide hazard areas per subsection J7b of this Section.

(3) Waive coal mine hazard reports per subsection J8 of this Section.

(4) Grant a modification for created slopes per subsection N2 of this Section.

ii. Habitat Conservation: Waive habitat/wildlife assessment reports per subsection K2 of this Section.

iii. Streams and Lakes:

(1) Waive water body study requirement per subsection L.3 of this Section.

(2) Approve proposals for buffer width reductions in accordance with the review criteria stated in subsection L.5.c of this Section.

(3) Approve proposals for buffer width averaging pursuant to the standards and criteria stated in subsection L.5.d of this Section.

iv. Wetlands:

(1) Waive wetland assessment requirement per subsection M3b of this Section.

(2) Determine whether wetlands are unregulated per subsections M1a and M1b of this Section.

(3) Extend the valid period of a wetland delineation pursuant to subsection M4d of this Section.

(4) Approve proposals for buffer width reductions of up to twenty five percent (25%) in accordance with the review criteria stated in subsection M6e of this Section.

(5) Approve proposals for buffer width averaging pursuant to the standards and criteria stated in subsection M6f of this Section.

(6) Authorize other category level for created or restored wetlands per subsection M11c of this Section.

(7) Waive requirements of this Section upon determination that all impacts on wetlands would be mitigated as part of an approved area-wide wetlands plan that, when taken as a whole over an approved schedule or staging of plan implementation, will meet or exceed the requirements of this section (see subsection M9 of this Section).

c. Review Authority – Aquifer Protection Areas: The Department Administrator is authorized to make the following administrative allowances and determinations:

i. Issue operating and closure permits.

ii. Determine pipeline requirements per subsection H5a(iii) and H5b.

iii. Determine if Zone 1 requirements should apply in Zone 2 of an APA per subsection D2b, Potential to Degrade Groundwater – Zone 2, and C8e(iii), Prohibited Activities – Aquifer Protection Areas, Zone 2.

5. Authority to Approve, Condition, or Deny – General: Based upon site specific review and analysis, the Reviewing Official or his/her designee may approve, condition, or deny a proposal.

6. Relationship to Other Agencies and Regulations: Compliance with the provisions of this Title does not constitute compliance with other federal, state, and/or other local agency regulations and permit requirements that may be required. The applicant is responsible for complying with these requirements, apart from the process established in this Title.

E. GENERAL PERFORMANCE STANDARDS, AND ALLOWED ALTERATIONS:

1. Performance Standards: The performance standards for each critical area are specified in subsections G to M of this Section. The standards are minimum standards.

2. Protection of Critical Areas: Critical areas and any associated buffers shall be avoided, and undisturbed, unless alterations are permitted in accordance with the requirements of this Section.

3. Allowed Alterations: Critical areas may be altered by authorized exempt activities, alterations specifically allowed in subsections H to M of this Section and subject to listed criteria, or through approval of modifications or variances.

4. Native Growth Protection Areas:

a. Applicability:

i. Required: A native growth protection area shall be instituted when required by subsections H to M of this Section in order to protect a critical area from any proposed development for a non-exempt activity as follows:

(a) Protected slopes per subsection 4-3-050.J.5.e.

(b) Very high landslide hazard areas per subsection 4-3-050.J.7.c.

(c) Class 2 to 4 streams or lakes and their associated buffers per subsection 4-3-050.L.7.

(d) Wetlands and their associated buffers per subsection 4-3-050.M.7.

ii. Applied with Discretion: Native growth protection areas may be required for very high landslide hazard area buffers, or for critical habitats and their buffers pursuant to subsections 4-3-050.J.7 and 4-3-050.K.3.

iii. Application as Condition of Approval When Otherwise Not Required: Where subsections H to M do not require a native growth protection area, the Reviewing Official may condition a proposal to provide for native growth protection areas.

b. Standards:

i. Trees and ground cover shall be retained in designated native growth protection areas.

ii. Activities allowed in a native growth protection areas shall be consistent with applicable critical area regulations.

iii. The City may require enhancement of native growth protection areas to improve functions and values, reduce erosion or landslide potential, or to meet another identified purpose of this section or of critical area regulations.

c. Method of Creation: Native growth protection areas shall be established by one of the following methods, in order of preference:

i. Conservation Easement: The permit holder shall, subject to the City's approval, convey to the City or other public or nonprofit entity specified by the City, a recorded easement for the protection of the critical area and/or its buffer.

ii. Protective Easement: The permit holder shall establish and record a permanent and irrevocable easement on the property title of a parcel or tract of land containing a critical area and/or its buffer created as a condition of a permit. Such protective easement shall be held by the current and future property owner, shall run with the land, and

shall prohibit development, alteration, or disturbance within the easement except for purposes of habitat enhancement as part of an enhancement project which has received prior written approval from the City, and from any other agency with jurisdiction over such activity.

iii. Tract and Deed Restriction: The permit holder shall establish and record a permanent and irrevocable deed restriction on the property title of any critical area management tract or tracts created as a condition of a permit. Such deed restriction(s) shall prohibit development, alteration, or disturbance within the tract except for purposes of habitat enhancement as part of an enhancement project which has received prior written approval from the City, and from any other agency with jurisdiction over such activity. A covenant shall be placed on the tract restricting its separate sale. Each abutting lot owner or the homeowners' association shall have an undivided interest in the tract.

d. Marking During Construction: The location of the outer extent of the critical area buffer and areas not to be disturbed pursuant to an approved permit shall be marked with barriers easily visible in the field to prevent unnecessary disturbance by individuals and equipment during the development or construction of the approved activity.

e. Fencing: The City shall require permanent fencing of the native growth protection area containing critical area and buffers when there is a substantial likelihood of human or domesticated animal intrusion, and such fencing will not adversely impact habitat connectivity.

f. Signage Required: The common boundary between a native growth protection area and the abutting land must be permanently identified. This identification shall include permanent wood or metal signs on treated or metal posts. Sign locations and size

specifications shall be approved by the City. Suggested wording is as follows: “Protection of this natural area is in your care. Alteration or disturbance is prohibited by law.”

g. Responsibility for Maintenance: Responsibility for maintaining the native growth protection easements or tracts shall be held by a homeowners’ association, abutting lot owners, the permit applicant or designee, or other appropriate entity, as approved by the City.

h. Maintenance Covenant and Note Required: The following note shall appear on the face of all plats, short plats, PUDs, or other approved site plans containing separate native growth protection easements or tracts, and shall also be recorded as a covenant running with the land on the title of record for all affected lots on the title: “MAINTENANCE RESPONSIBILITY: All owners of lots created by or benefiting from this City action abutting or including a native growth protection easement [tract] are responsible for maintenance and protection of the easement [tract]. Maintenance includes insuring that no alterations occur within the tract and that all vegetation remains undisturbed unless the express written authorization of the City has been received.”

5. Discretionary – Building or Development Setbacks: The Reviewing Official may require a building or activity setback from a critical area or buffer to ensure adequate protection of the critical area/buffer during construction and on-going maintenance of the activity. A requirement for a setback shall be based on the findings of a critical area report or a peer review required for the activity.

F. SUBMITTAL REQUIREMENTS AND FEES:

1. Applicability: When a regulated critical area or associated buffer is identified, the following procedures apply.

2. Preapplication Consultation: Any person intending to develop properties known or suspected to have critical areas present is strongly encouraged to meet with the appropriate City department representative during the earliest possible stages of project planning before major commitments have been made to a particular land use and/or project design. Effort put into a preapplication consultation and planning will help applicants create projects which will be more quickly and easily processed due to a better understanding on the part of applicants of regulatory requirements.

3. Plans and Studies Required: When an application is submitted for any building permit or land use review and/or to obtain approval of a use, development or construction, the location of the critical areas and buffers on the site shall be indicated on the plans submitted based upon an inventory provided by a qualified specialist.

4. Submittal Requirements: See chapter 4-8 RMC.

5. Fees: See RMC 4-1-170.

6. Waiver of Submittal or Procedural Requirements: The Department Administrator may waive any of the requirements of this subsection if the size and complexity of the project does not warrant a step in the proceeding and provided criteria to waive studies are met in subsections H to M.

7. Independent Secondary Review: The City may require independent review of an applicant's report as follows:

a. Aquifer Protection Areas, Flood Hazards, Habitat Conservation, Streams and Lakes, Wetlands: When appropriate due to the type of critical areas, habitat, or species present, or project area conditions, the Reviewing Official may require the applicant to prepare and/or fund analyses or activities, including, but not limited to:

i. An evaluation by an independent qualified professional regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate. This shall be paid at the applicant's expense, and the Reviewing Official shall select the third party review professional; and/or

ii. A request for consultation with the Washington Department of Fish and Wildlife, Washington State Department of Ecology, or the local Native American Tribe or other appropriate agency; and/or

iii. Detailed surface and subsurface hydrologic features both on and abutting to the site.

b. Geologic Hazards: Independent Secondary Review shall be conducted in accordance with the following:

i. Required – Sensitive and Protected Slopes, and Medium, High, or Very High Landslide Hazards: All geotechnical reports submitted in accordance with subsection J2 of this Section, Special Studies Required, and chapter 4-8 RMC, Permits – General and Appeals, shall be independently reviewed by qualified specialists selected by the City, at the applicant's expense. An applicant may request that independent review be waived by the Department Administrator in accordance with subsection D4b of this Section, Review Authority – Geologic Hazards, Habitat Conservation, Streams and Lakes, and Wetlands.

ii. Required for Critical Facilities in Volcanic, High Erosion, High Seismic, Medium Coal Mine, or High Coal Mine Hazards: The City shall require independent review of a geotechnical report addressing a critical facility by qualified specialists selected by the City, at the applicant's expense. An applicant may request that independent review be

waived by the Department Administrator in accordance with subsection D4b of this Section, Review Authority – Geologic Hazards, Habitat Conservation, Streams and Lakes, and Wetlands.

iii. At City's Discretion – Volcanic, High Erosion, High Seismic, Medium Coal Mine, or High Coal Mine Hazards: For any proposal except critical facilities, the City may require independent review of an applicant's geotechnical report by qualified specialists selected by the City, at the applicant's expense.

8. Mitigation Plan Required:

a. Criteria: For any mitigation plans required through the application of subsections H to M, the applicant shall:

i. Demonstrate sufficient scientific expertise, the supervisory capability, and the financial resources to carry out the mitigation project; and

ii. Demonstrate the capability for monitoring the site and to make corrections during the monitoring period if the mitigation project fails to meet projected goals; and

iii. Protect and manage, or provide for the protection and management, of the mitigation area to avoid further development or degradation and to provide for long-term persistence of the mitigation area; and

iv. Provide for project monitoring and allow City inspections; and

v. Avoid mitigation proposals that would result in additional future mitigation or regulatory requirements for adjacent properties, unless it is a result of a code requirement, or no other option is feasible or practical; and

vi. For onsite or offsite mitigation proposals, abutting or adjacent property owners shall be notified when wetland creation or restoration, stream relocation, critical

area buffer increases, flood hazard mitigation, habitat conservation mitigation, or geologic hazard mitigation have the potential to considerably decrease the development potential of abutting or adjacent properties. For example, if a created wetland on a property would now result in a wetland buffer intruding onto a neighboring property, the neighboring property owner would be notified. Notification shall be given as follows:

(a) For applications that are not subject to notices of application per RMC 4-8, notice of the mitigation proposal shall be given by posting the site and notifying abutting or adjacent property owners with the potential to be impacted. Written notification may be made prior to or at the time of the SEPA determination.

(b) For applications that are subject to notices of application, the mitigation proposal shall be identified in the notice of application and mailed to abutting or adjacent property owners with the potential to be impacted; if the determination of the mitigation requirements is not known at the time of the notice of application, written notice to abutting or adjacent property owners shall be given instead at the time of the SEPA determination.

b. Timing of Mitigation Plan – Final Submittal and Commencement: When a mitigation plan is required, the proponent shall submit a final mitigation plan for the approval of the Administrator prior to the issuance of building or construction permits for development. The proponent shall receive written approval of the mitigation plan prior to commencement of any mitigation activity.

G. SURETY DEVICES:

1. Required for Mitigation Plans: For any mitigation plans required as a result of the application of these regulations, the Responsible Official shall require a surety device to ensure performance consistent with RMC 4-1-230.

2. Time Period – Wetlands, Streams, and Lakes: For wetland and/or stream/lake mitigation plans, the surety device shall be sufficient to guarantee that structures, improvements, and mitigation required by permit condition perform satisfactorily for a minimum of 5 years after they have been completed.

H. AQUIFER PROTECTION:

1. Applicability: The aquifer protection regulations apply to uses, activities, and facilities located within an aquifer protection area (APA) as classified below.

a. Aquifer Protection Area (APA): Aquifer protection areas are the portion of an aquifer within the zone of capture and recharge area for a well or well field owned or operated by the City, as depicted in subsection Q.1 of this Section, Maps.

b. Aquifer Protection Zones: Zones of an APA are designated to provide graduated levels of aquifer protection. Zone boundaries are determined using best available science documented in the City of Renton Wellhead Protection Plan, an appendix of the City of Renton Water System Plan, as periodically updated. The following zones may be designated:

i. Zone 1: The land area situated between a well or well field owned by the City and the three hundred sixty five (365) day groundwater travel time contour.

ii. Zone 1 Modified: The same land area described for Zone 1 but for the purpose of protecting a high-priority well, wellfield, or spring withdrawing from an aquifer that is partially protected by overlying geologic strata. Uses, activities, and facilities

located in this area are regulated as if located within Zone 1 except as provided by C.6(a)(iii) of this section.

iii. Zone 2: The land area situated between the three hundred sixty five (365) day groundwater travel time contour and the boundary of the zone of potential capture for a well or well field owned or operated by the City. If the aquifer supplying water to a well, well field, or spring is naturally protected by overlying geologic strata, the City may choose not to subdivide an APA into two (2) zones. In such a case, the entire APA will be designated as Zone 2.

c. Mapping:

i. Determination of Location within a Zone of an Aquifer Protection Area: In determining the location of facilities within the zones defined by subsection Q.1 of this Section, the following rules shall apply.

(a) Facilities located wholly within an APA zone shall be governed by the restrictions applicable to that zone.

(b) Facilities having parts lying within more than one zone of an APA shall be governed as follows: Each part of the facility shall be reviewed and regulated by the requirements set forth in this Section for the zone in which that part of the facility is actually located.

(c) Facilities having parts lying both in and out of an APA shall be governed as follows:

That portion which is within an APA shall be governed by the applicable restrictions in this Section; and

That portion which is not in an APA shall not be governed by this Section.

ii. Zone Maps: The locations of aquifer protection areas (APA) in the City are depicted by the map in subsection Q.1 of this Section, Maps.

d. Performance Standards: In addition to the general standards of subsection E of this Section, the following performance standards, subsections H2 to H10, apply to all non-exempt uses, activities, and facilities on sites located within an aquifer protection area per subsection H1, Applicability.

e. Authority to Require Hydrogeologic Assessment: The City may require an applicant to prepare a hydrogeologic study if the proposal has the potential to significantly impact groundwater quantity or quality, and sufficient information is not readily available. Such a report shall be prepared by a qualified professional at the applicant's expense. Report content requirements may be specified by the City in accordance with State or Federal guidelines or tailored to the particular development application. Peer review of the applicant's report may be required in accordance with 4-3-050.F.7.

2. Facilities:

a. Removal of Existing Facilities – Zone 1:

i. The storage, handling, use, treatment or production of hazardous materials in aggregate quantities greater than five hundred (500) gallons shall not be allowed within Zone 1 of an APA after October 14, 2002. The storage, handling, use, treatment or production of tetrachloroethylene (e.g. dry-cleaning fluid) shall not be allowed within Zone 1 of an APA after March 31, 1999.

ii. Once a facility in Zone 1 is closed, relocated, or the use of hazardous materials is terminated, reinstatement of the use of hazardous materials on the site in quantities greater than that allowed for new facilities locating in Zone 1 as described in subsection C.8.e(ii), Prohibited Activities, Zone 1, shall be prohibited.

iii. Closure of a facility or termination of any or all facility activities shall be conducted in accordance with the closure requirements in RMC 4-9-015.F, Closure Permit.

b. Existing Facilities Change in Quantities – Zone 1: In Zone 1 of an APA, no change in operations at a facility shall be allowed that increases the aggregate quantity of hazardous materials stored, handled, treated, used, or produced with the following exception: The aggregate quantity of hazardous materials may be increased not to exceed 500 gallons.

c. Existing Facilities – Allowances in Zone 2: The storage, handling, treatment, use or production of hazardous materials at existing facilities shall be allowed within Zone 2 of an APA upon compliance with the provisions of this Section.

d. Requirements for Facilities – Zones 1 and 2: The following conditions in subsections H.2.d(i) to (vi) of this Section will be required as part of any operating permit issued for facilities in Zone 1 of an APA. Conditions in subsections H.2.d(i) to (v) shall apply to facilities in Zone 2 of an APA.

i. Secondary Containment – Zones 1 and 2:

(1) Materials Stored in Tanks subject to DOE – Zones 1 and 2: Hazardous materials stored in tanks that are subject to regulation by the Washington Department of Ecology under chapter 173-360 WAC are exempt from containment requirements

in subsection H.2.d(i), Secondary Containment – Zones 1 and 2, but are subject to applicable requirements in RMC 4-5-120, Underground Storage Tank Secondary Containment Regulations.

(2) Secondary Containment Devices and Requirements – Zones 1 and 2: Every owner of a facility shall provide secondary containment devices adequate in size to contain on-site any unauthorized release of hazardous materials from any area where these substances are either stored, handled, treated, used, or produced. Secondary containment devices shall prevent hazardous materials from contacting soil, surface water, and groundwater and shall prevent hazardous materials from entering storm drains and, except for authorized and permitted discharges, the sanitary sewer. Design requirements for secondary containment devices are as follows:

(A) The secondary containment device shall be large enough to contain the volume of the primary container in cases where a single container is used to store, handle, treat, use, or produce a hazardous material. In cases where multiple containers are used, the secondary containment device shall be large enough to contain the volume of the largest container. Volumes specified are in addition to the design flow rate of the automatic fire extinguishing system, if present, to which the secondary containment device is subjected. The secondary containment device shall be capable of containing the fire flow for a period of twenty (20) minutes or more.

(B) All secondary containment devices shall be constructed of materials of sufficient thickness, density, and composition to prevent structural weakening of the containment device as a result of contact with any hazardous material. If coatings are used to provide chemical resistance for secondary containment devices, they shall also be resistant to the expected abrasion and impact conditions. Secondary containment devices

shall be capable of containing any unauthorized release for at least the maximum anticipated period sufficient to allow detection and removal of the release.

(C) Hazardous materials stored outdoors and their attendant secondary containment devices shall be covered to preclude precipitation with the exception of hazardous materials stored in tanks that have been approved by and are under permit from the City of Renton Fire Prevention Bureau. Secondary containment for such tanks, if uncovered, shall be able to accommodate the volume of precipitation that could enter the containment device during a twenty four (24) hour, twenty five (25) year storm, in addition to the volume of the hazardous material stored in the tank. Storage of hazardous materials, both indoors and outdoors, shall, at all times, meet both the requirements of this Section and the Uniform Fire Code.

(D) Secondary containment devices shall include monitoring procedures or technology capable of detecting the presence of a hazardous material within twenty four (24) hours following a release. Hazardous materials shall be removed from the secondary containment device within twenty four (24) hours of detection and shall be legally stored or disposed.

(E) Areas in which there are floor drains, catchbasins, or other conveyance piping that does not discharge into a secondary containment device that meets the requirements of this Chapter shall not be used for secondary containment of hazardous materials. Closure of existing piping shall be according to procedures and designs approved by the Department.

(F) Primary containers shall be impervious to the contents stored therein, properly labeled, and fitted with a tight cover which is kept closed except when substances are being withdrawn or used.

(G) Hazardous materials stored outdoors when the facility is left unsupervised must be inaccessible to the public. Such techniques as locked storage sheds, locked fencing, or other techniques may be used if they will effectively preclude access.

(H) Stored hazardous materials shall be protected and secured, as needed, against impact and earthquake to prevent damage to the primary container that would result in release of hazardous materials that would escape the secondary containment area.

ii. Hazardous Material Monitoring Requirements for Existing Facilities – Zones 1 and 2:

(1) The owners of all existing facilities shall implement hazardous materials monitoring.

(2) All hazardous material monitoring activities shall include the following:

(A) A written routine monitoring procedure which includes, when applicable: the frequency of performing the monitoring method, the methods and equipment to be used for performing the monitoring, the location(s) from which the monitoring will be performed, the name(s) or title(s) of the person(s) responsible for performing the monitoring and/or maintaining the equipment, and the reporting format.

(B) Written records of all monitoring performed shall be maintained on-site by the operator for a period of three (3) years from the date the

monitoring was performed. The Department may require the submittal of the monitoring records or a summary at a frequency that the Department may establish. The written records of all monitoring performed in the past three (3) years shall be shown to the Department upon demand during any site inspection. Monitoring records shall include but not be limited to:

• The date and time of all monitoring or sampling;

• Monitoring equipment calibration and maintenance records;

• The results of any visual observations;

• The results of all sample analysis performed in the laboratory or in the field, including laboratory data sheets;

• The logs of all readings of gauges or other monitoring equipment, groundwater elevations or other test results; and

• The results of inventory readings and reconciliations.

(C) Visual monitoring must be implemented unless it is determined by the Department to be infeasible to visually monitor.

(3) On every day of operation, a responsible person designated by the permittee shall check for breakage or leakage of any container holding hazardous materials. Electronic sensing devices approved by the Department may be employed as part of the inspection process, provided that the system is checked daily for malfunctions.

iii. Emergency Collection Devices – Zones 1 and 2: Vacuum suction devices, absorbent scavenger materials, or other devices approved by the Department

shall be present on site (or available within an hour by contract with a cleanup company approved by the Department), in sufficient quantity to control and collect the total quantity of hazardous materials plus absorbent material. The presence of such emergency collection devices and/or cleanup contract are the responsibility and at the expense of the owner and shall be documented in the operating permit.

iv. Inspection of Containment and Emergency Equipment – Zones 1 and 2: Owners shall establish procedures for monthly in-house inspection and routine maintenance of containment and emergency equipment. Such procedures shall be in writing, a regular checklist and schedule of maintenance activity shall be established, and a log shall be kept of inspections and maintenance activities. Such logs and records shall be made available at all reasonable times to the Department for examination.

v. Employee Training – Zones 1 and 2: Operators shall schedule training for all new employees upon hiring and once per year thereafter to explain the conditions of the operating permit such as emergency response procedures, proper hazardous waste disposal, monitoring and reporting requirements, record keeping requirements, and the types and quantities of hazardous materials on site. These training sessions will be documented and recorded and the names of those in attendance will be recorded. These records shall be made available at all reasonable times to the Department for inspection.

vi. Additional Facility Requirements for Zone 1: Owners shall complete the following:

(1) Site Monitoring: For facilities located in Zone 1 of an APA, an owner of a facility may, at their own expense, be required to institute a program to monitor groundwater, surface water runoff, and/or site soils. The Department may require that

the owner of a facility install one or more groundwater monitoring wells in a manner approved by the Department in order to accommodate the required groundwater monitoring. Criteria used to determine the need for site monitoring shall include, but not be limited to, the proximity of the facility to the City's production or monitoring wells, the type and quantity of hazardous materials on site, and whether or not the hazardous materials are stored in underground vessels.

Every owner required to monitor groundwater, surface water runoff, and/or soils shall perform such monitoring semi-annually and obtain independent analytical results of the presence and concentration of those chemicals requiring monitoring (including breakdown and transformation products) as identified by the Department in the operating permit. The analytical results shall be obtained through the use of Department of Ecology-approved methods for water and/or soils. The results shall be filed within ten (10) days with the Department.

If a facility is required to perform site monitoring pursuant to subsection H.2.d(vi) of this Section, Additional Facility Requirements for Zone 1, Site Monitoring, then a site monitoring plan will be required. This plan must indicate procedures to be followed to assess groundwater, surface water runoff, and/or soil for concentrations of those chemicals requiring monitoring as identified by the Department in the operating permit. If a groundwater monitoring program is in effect per the requirements of 40 CFR 264 or 265, and this program includes all of the chemicals identified in the operating permit, then it shall be incorporated into the site monitoring plan which shall also include provisions to address the groundwater monitoring requirements of subsection H.2.d(vi) of this Section, Additional Facility Requirements for Zone 1, Site Monitoring, and RMC 4-9-015.G.3, Unauthorized Releases, Monitoring Results.

(2) Site Improvements:

(A) For facilities located in Zone 1 of an APA, the owner may be required to pave all currently unpaved areas of their facility that are subject to any vehicular use or storage, use, handling, or production of hazardous materials.

(B) For those facilities located in Zone 1 of an APA in which the nature of the business involves the use of hazardous materials outside of fully enclosed structures, the City shall evaluate the existing storm water collection and conveyance system, and reserves the right to require the owner to upgrade the system to meet the provisions of RMC 4-6-030.E.3, Additional Requirements in Aquifer Protection Areas – Amendments to King County Surface Water Design Manual.

(C) For those facilities located in Zone 1 of an APA, the City may require the owner to test interior wastewater plumbing and the building side sewer for tightness according to subsection H.6.a(ii), Pipeline Requirements – Zone 1, and reserves the right to require that such wastewater conveyance be repaired or replaced according to subsection H.6.a(i), Pipeline Requirements – Zone 1.

(3) Capital Cost Reimbursement for Additional Operating Permit Requirements: The City shall pay fifty percent (50%) of documented capital costs up to twenty five thousand dollars ($25,000.00) for required installation and construction of monitoring wells, site paving, wastewater conveyance, and storm water improvements as required in subsections H.2.d(vi)(1) and (2), Site Monitoring and Site Improvements. Payment by the City shall be made according to adopted administrative rules.

3. Use of Pesticides and Nitrates – APA Zones 1 and 2:

a. Use of Pesticides: The application of hazardous materials such as pesticides shall be allowed in an APA, except within one hundred feet (100) of a well or two hundred feet (200) of a spring, provided that:

i. The application is in strict conformity with the use requirements as set forth by the EPA and as indicated on the containers in which the substances are sold.

ii. Persons who are required to keep pesticide application records by RCW 17.21.100.1 and WAC 16-228-190 shall provide a copy of the required records to the Department within seventy two (72) hours of the application.

b. Nitrate-Containing Materials: The application of fertilizers containing nitrates shall be allowed in an APA except within one hundred feet (100) of a well or two hundred feet (200) of a spring; provided, that:

i. No application of nitrate-containing materials shall exceed one-half (0.5) pound of nitrogen per one thousand (1,000) square feet per single application and a total yearly application of five (5) pounds of nitrogen per one thousand (1,000) square feet; except that an approved slow-release nitrogen may be applied in quantities of up to nine-tenths (0.9) pound of nitrogen per one thousand (1,000) square feet per single application and eight (8) pounds of nitrogen per one thousand (1,000) square feet per year; and

ii. Persons who apply fertilizer containing nitrates to more than one contiguous acre of land located in the APA either in one or multiple application(s) per year shall provide to the Department within seventy two (72) hours of any application the following information:

(1) The name, address, and telephone number of the person applying the fertilizer;

(2) The location and land area of the application;

(3) The date and time of the application;

(4) The product name and formulation;

(5) The application rate.

4. Wastewater Disposal Requirements – Zones 1 and 2: Refer to RMC 4-6-040J, Sanitary Sewer Standards, Additional Requirements that Apply within Zones 1 and 2 of an Aquifer Protection Area.

5. Surface Water Requirements – Zones 1 and 2: Refer to RMC 4-6-030E, Drainage Plan Requirements and Methods of Analysis for additional surface water requirements applicable within Zones 1 and 2 of an Aquifer Protection Area.

6. Pipeline Requirements:

a. Pipeline Requirements – Zone 1:

i. All new and existing pipelines in Zone 1 shall be constructed or repaired in accordance with material specifications contained in subsection S of this Section, Pipeline Material. All existing product pipelines in Zone 1 shall be repaired and maintained in accordance with best management practices and best available technology.

ii. All new pipelines constructed in Zone 1 shall be tested for leakage in conformance with the following provisions prior to being placed into service.

(1) Pipeline leakage testing shall be conducted in accordance with best available technology, to the satisfaction of the Department.

(2) Pipeline leakage testing methods shall be submitted to the Department for review prior to testing and shall include: a detailed description of the testing methods and technical assumptions; accuracy and precision of the test; proposed testing

durations, pressures, and lengths of pipeline to be tested; and scale drawings of the pipeline(s) to be tested.

(3) Upon completion of testing, pipeline leakage testing results shall be submitted to the Department and shall include: record of testing durations, pressures, and lengths of pipeline tested; and weather conditions at the time of testing.

(4) Routine leakage testing of new pipelines constructed in Zone 1 may be required by the Department.

iii. If the Department has reason to believe that the operation or proposed operation of an existing pipeline in Zone 1 of an APA may degrade ground water quality, the Department may require leakage testing of the existing pipeline in accordance with subsection H6a(ii) of this Section; and installation, sampling, and sample analysis of monitoring wells. Routine leakage testing of existing pipelines in Zone 1 may be required by the Department. Criteria for this determination is specified under subsection D2b(ii), Potential to Degrade Groundwater – Zone 2, Criteria.

iv. Should pipeline leakage testing reveal any leakage at any level then the Department shall require immediate repairs to the pipeline to the satisfaction of the Department such that no infiltration of water into the pipeline or exfiltration of substances conveyed in the pipeline shall occur. Any repairs which are made shall be tested for leakage pursuant to subsection H6a(ii) of this Section.

b. Pipeline Requirements – Zone 2: If the Department has reason to believe that the operation or proposed operation of an existing pipeline in Zone 2 of an APA may degrade groundwater quality, the Department may require: leakage testing in accordance with subsection H6a(ii) of this Section; installation, sampling, and sample analysis of groundwater

monitoring wells; repair of the pipeline to the satisfaction of the Department such that degradation of groundwater quality is minimized or eliminated. Criteria for this determination is specified under subsection D2b(ii), Potential to Degrade Groundwater – Zone 2, Criteria.

7. Construction Activity Standards – Zones 1 and 2: Refer to RMC 4-4-030.C.7, Construction Activity Standards – APA Zones 1 and 2.

8. Fill Material Requirements – Zones 1 and 2: Refer to RMC 4-4-060L4, Fill Material, regarding quality of fill and fill material source statement requirements within aquifer protection areas.

9. Regulations for Existing Solid Waste Landfills – Zones 1 and 2:

a. Materials: Earth materials used as fill or cover at a solid waste landfill shall meet the requirements of RMC 4-4-060L4, Fill Material.

b. Groundwater Monitoring: The Department shall have the authority to require an owner of a solid waste landfill to implement a groundwater monitoring program equal to that described by King County Board of Health Title 10 (King County Solid Waste Regulations) Section 10.72.020 and a corrective action program equal to that described by Section 10.72.030. The Department shall have the authority ascribed to the health officer in said regulations. Quarterly reports shall be provided to the Department detailing groundwater monitoring activity during the preceding three (3) months. Reports detailing corrective action required by the Department shall be submitted according to a written schedule approved by the Department.

10. Hazardous Materials – Release Restrictions – Zones 1 and 2: Hazardous materials shall not be spilled, leaked, emitted, discharged, disposed, or allowed to escape or leach into the air, into groundwater, surface water, surface soils or subsurface soils. Exception:

Intentional withdrawals of hazardous materials for the purpose of legitimate sale, use, or disposal and discharges permitted under federal, state, or local law. Any unauthorized releases shall be subject to the procedural requirements of RMC 4-9-015G, Unauthorized Releases.

I. FLOOD HAZARDS:

1. Applicability: Flood hazard regulations shall apply to all areas of special flood hazards within the jurisdiction of the City. In addition, all other applicable critical area or Shoreline Master Program regulations shall apply within flood hazard areas. See RMC 4-3-090.E for a description of Shoreline Master Program jurisdictional areas.

a. Areas of Special Flood Hazard: Areas of special flood hazard are defined as the land in the floodplain subject to one percent or greater chance of flooding in any given year. Designation on flood maps always include the letters A or V.

b. Mapping and Documentation:

i. Basic Map and Documentation Identifying Hazards: The areas of special flood hazard are identified by the Federal Insurance Administration in a scientific and engineering report entitled the Flood Insurance Study for the City of Renton, dated September 29, 1989, and any subsequent revision, with accompanying flood insurance maps which are hereby adopted by reference and declared to be a part of this section. The flood insurance study is on file at the Planning/Building/Public Works Department.

ii. When Federal Insurance Study is Not Available: When base flood elevation data has not been provided in accordance with subsection I1bi of this Section the Department Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source in order to administer subsection I3, Specific Standards, and subsection I4, Additional Restrictions Within Floodways.

The best available information for flood hazard area identification shall be the basis for regulation until a new Flood Insurance Rate Map is issued which incorporates the data utilized under subsection D3a(iv) of this Section.

iii. Interpretation of FIRM Boundaries: Per RMC 4-3-050.D.3.d, the Department Administrator, or his/her designee, shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The best available information for flood hazard area identification shall be the basis for regulation.

iv. Data to be Used for Existing and Future Flow Conditions: The City shall determine the components of the flood hazard area after obtaining, reviewing and utilizing base flood elevations and available floodplain data for a flood having a one percent chance of being equaled or exceeded in any given year, often referred to as the "one-hundred-year flood." The City may require projections of future flow conditions for proposals in unmapped potential flood hazard areas. In mapped or unmapped flood hazard areas, future flow conditions shall be considered for proposed bridge proposals crossing floodways.

c. Performance Standards: In addition to general standards of subsection E of this Section, the following regulations, subsections I.2 through I.4, apply in all areas of special flood hazard.

2. General Standards: In all areas of special flood hazards, the following standards are required:

a. Anchoring – All New Construction: All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

b. Anchoring – Manufactured Homes: All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's Manufactured Home Installation in Flood Hazard Areas guidebook for additional techniques).

c. Construction Materials and Methods:

i. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

ii. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

iii. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

d. Utilities:

i. Water: All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. The proposed water well shall be located on high ground that is not in the floodway (WAC 173-160-171).

ii. Sewer: New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

iii. Waste Disposal: On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

e. Subdivision Proposals:

i. All subdivision proposals shall be consistent with the need to minimize flood damage;

ii. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

iii. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

iv. All subdivision proposals shall show the flood hazard information and boundary on the subdivision drawing including the nature, location, dimensions, and elevations of the subdivided area.

f. Project Review:

i. Building Permits: Where elevation data is not available either through the flood insurance study or from another authoritative source, i.e., subsection D3a(iv) of this Section, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet (2) above grade in these zones may result in higher insurance rates.

ii. Land Use Applications: Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres (whichever is less).

3. Specific Standards: In all areas of special flood hazards where base flood elevation data has been provided as set forth in subsection I1b of this Section, Mapping and Documentation, or subsection D3a(iv), Use of Other Base Flood Data, where such data provides flood elevations that exceed the regulatory standards in the FEMA flood insurance study, the following provisions are required:

a. Residential Construction:

i. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one foot above base flood elevation.

ii. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(1) A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; and

(2) The bottom of all openings shall be no higher than one foot above grade; and

(3) Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of flood waters.

b. Manufactured Homes:

i. All manufactured homes to be placed or substantially improved within Zones A1-A30, AH, and AE on the community's Flood Insurance Rate Map, on sites outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated a minimum of one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

ii. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map that are not subject to the above manufactured home provisions shall be elevated so that either the lowest floor of the manufactured home is elevated a minimum of one foot above the base flood elevation or the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty six inches (36") in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

c. Nonresidential Construction: New construction of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated a minimum of one foot above the level of the base flood elevation. Substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated a minimum of one foot above the level of the base flood elevation, or, together with attendant utility and sanitary facilities, shall:

i. Be floodproofed so that below the minimum elevation required in “c” above the structure is watertight with walls substantially impermeable to the passage of water;

ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Department Administrator;

iv. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection I3a(ii) of this Section;

v. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one foot below).

d. Recreational Vehicles: Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community’s Flood Insurance Rate Map not including recreational vehicle storage lots shall either:

i. Be on the site for fewer than one hundred eighty (180) consecutive days;

ii. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

iii. Meet the requirements of subsection I3b of this Section and the elevation and anchoring requirements for manufactured homes.

4. Additional Restrictions within Floodways: Located within areas of special flood hazard established in subsection I1b of this Section, Flood Hazards: Mapping and Documentation, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

a. Increase in Flood Levels Prohibited: Encroachments, including fill, new construction, substantial improvements, and other development are prohibited unless certification by a registered professional engineer demonstrates through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that:

i. Encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge; and

ii. There are no adverse impacts to the subject property or abutting or adjacent properties; and

iii. There are no higher flood elevations upstream; and

iv. The impact due to floodway encroachment shall be analyzed using future land use condition flows.

b. Residential Construction in Floodways: Construction or reconstruction of residential structures is prohibited within designated floodways, except for:

i. Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and

ii. Repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty percent (50%) of the market value of the structure either: a) before the repair, reconstruction, or repair is started; or b) if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes or to structures identified as historic places may be excluded in the fifty percent (50%).

c. Compliance Requirements: If subsections I4a and I4b of this section are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.

5. Critical Facility: Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (one hundred (100) year) floodplain. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or more above the level of the base flood elevation (one hundred (100) year) at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

6. Compensatory Storage:

a. Compensatory Storage Required: Development proposals and other alterations shall not reduce the effective base flood storage volume of the floodplain. If grading

or other activity will reduce the effective storage volume, compensatory storage shall be created on the site or off the site if legal arrangements can be made to assure that the effective compensatory storage volume will be preserved over time. Compensatory storage shall be configured so as not to trap or strand salmonids after flood waters recede and may be configured to provide salmonid habitat or high flow refuge whenever suitable site conditions exist and the configuration does not adversely affect bank stability or existing habitat.

b. Additional Requirements – Springbrook Creek: The higher of the City hydrologic and hydraulic model results for the one hundred (100) year future land use conveyance and storage events shall be used by the City to determine the volume of compensatory storage required for filling within the one hundred (100) year flood zone of Springbrook Creek.

i. An exception to this requirement shall apply where the Federal Emergency Management Agency (FEMA) defined one hundred (100) year flood zone is lower than the City model results for the one hundred (100) year future land use conveyance event.

ii. Under the exception, the lower FEMA floodplain elevation shall be used. The exception only applies for the reach of Springbrook Creek between SW 43rd Street and Oakesdale Avenue near SW 41st Street.

c. Determining Finished Floor Elevations According to FEMA: Although City model results will apply to compensatory storage requirements, the FEMA one hundred (100) year flood plain elevations shall be used to establish building finished floor elevations to comply with other National Flood Insurance Program requirements.

J. GEOLOGIC HAZARDS:

1. Applicability: The geologic hazard regulations apply to all nonexempt activities on sites containing steep slopes, landslide hazards, erosion hazards, seismic hazards, and/or coal mine hazards classified below or on sites within fifty feet (50) of steep slopes, landslide hazards, erosion hazards, seismic hazards, and/or coal mine hazards classified below which are located on abutting or adjacent sites.

a. Steep Slopes:

i. Steep Slope Delineation Procedure: The boundaries of a regulated steep sensitive or protected slope are determined to be in the location identified on the City of Renton's Steep Slope Atlas. An applicant's qualified professional may substitute boundaries independently derived from survey data for the City's consideration in determining the boundaries of sensitive or protected steep slopes. All topographic maps shall utilize two (2) foot contour intervals or the standard utilized in the City of Renton Steep Slope Atlas.

ii. Steep Slope Types:

(a) Sensitive Slopes.

(b) Protected Slopes.

b. Landslide Hazards:

i. Low Landslide Hazard (LL): Areas with slopes less than fifteen percent (15%).

ii. Medium Landslide Hazard (LM): Areas with slopes between fifteen percent (15%) and forty percent (40%) and underlain by soils that consist largely of sand, gravel or glacial till.

iii. High Landslide Hazards (LH): Areas with slopes greater than forty percent (40%), and areas with slopes between fifteen percent (15%) and forty percent (40%) and underlain by soils consisting largely of silt and clay.

iv. Very High Landslide Hazards (LV): Areas of known mappable landslide deposits.

c. Erosion Hazards:

i. Low Erosion Hazard (EL): Areas with soils characterized by the Natural Resource Conservation Service (formerly U.S. Soil Conservation Service) as having slight or moderate erosion potential, and that slope less than fifteen percent (15%).

ii. High Erosion Hazard (EH): Areas with soils characterized by the Natural Resource Conservation Service (formerly U.S. Soil Conservation Service) as having severe or very severe erosion potential, and that slope more steeply than fifteen percent (15%).

d. Seismic Hazards:

i. Low Seismic Hazard (SL): Areas underlain by dense soils or bedrock. These soils generally have site coefficients of types S1 or S2, as defined in the Uniform Building Code.

ii. High Seismic Hazard (SH): Areas underlain by soft or loose, saturated soils. These soils generally have site coefficients of types S3 or S4, as defined in the Uniform Building Code.

e. Coal Mine Hazards:

i. Low Coal Mine Hazards (CL): Areas with no known mine workings and no predicted subsidence. While no mines are known in these areas, undocumented mining is known to have occurred.

ii. Medium Coal Mine Hazards (CM): Areas where mine workings are deeper than two hundred feet (200) for steeply dipping seams, or deeper than fifteen (15) times the thickness of the seam or workings for gently dipping seams. These areas may be affected by subsidence.

iii. High Coal Mine Hazard (CH): Areas with abandoned and improperly sealed mine openings and areas underlain by mine workings shallower than two hundred feet (200) in depth for steeply dipping seams, or shallower than fifteen (15) times the thickness of the seam or workings for gently dipping seams. These areas may be affected by collapse or other subsidence.

f. Volcanic Hazards: Volcanic hazard areas are those areas subject to a potential for inundation from post lahar sedimentation along the lower Green River as identified in Plate II, Map D, in the report U.S. Department of the Interior, U.S. Geological Survey (Revised 1998). *Volcano Hazards from Mount Rainier, Washington*. Open-File Report 98-428.

g. Mapping: Maps of steep slopes, landslide, erosion, seismic, and coal mine hazards are documented and included in subsection Q of this Section, Maps. The actual presence or absence of the criteria listed above, as determined by qualified professionals, shall govern the treatment of an individual building site or parcel of land requiring compliance with these regulations.

h. Performance Standards: In addition to the general standards of subsection E of this Section, the following performance standards, subsections J2 to J9, apply to all regulated geologic hazard areas, unless the subsection clearly identifies that the standard applies only to a specific geologic hazard category. Multiple performance standards may apply to

a site feature, for example steep slope, landslide and erosion hazards, based upon overlapping classification systems.

2. Special Studies Required:

a. Whenever a proposed development requires a development permit and a geologic hazard is present on the site of the proposed development or on abutting or adjacent sites within fifty feet (50) of the subject site, geotechnical studies by qualified professionals shall be required. Specifically, geotechnical studies are required for developments proposed on sites with any of the following geologic hazards:

i. Sensitive and protected slopes;

ii. Medium, high, or very high landslide hazards;

iii. High erosion hazards;

iv. High seismic hazards;

v. Medium or high coal mine hazards.

b. The required studies shall demonstrate the following review criteria can be met:

i. The proposal will not increase the threat of the geological hazard to adjacent properties beyond pre-development conditions; and

ii. The proposal will not adversely impact other critical areas; and

iii. The development can be safely accommodated on the site.

c. A mitigation plan may be required by the Responsible Official, consistent with Section F.8.

3. Independent Secondary Review: Independent secondary review is required consistent with 4-3-050.F.7.

4. Conditions of Approval: Conditions of approval may modify the proposal, including, but not limited to, construction techniques, design, drainage, project size/configuration, or seasonal constraints on development. Additional possible conditions may be listed under the performance standards for each hazard type. Upon review of geotechnical studies, the development permit shall be conditioned to mitigate adverse environmental impacts and to assure that the development can be safely accommodated on the site and is consistent with the purposes of this Section. A mitigation plan may be required consistent with Section F8.

5. Protected Slopes:

a. Prohibited Development: Development is prohibited on protected slopes. This restriction is not intended to prevent the subdivision or development of property that includes forty percent (40%) or greater slopes on a portion of the site, provided there is enough developable area elsewhere to accommodate building pads.

b. Exceptions through Modification: Exceptions to the prohibition may be granted for:

i. Filling against the toe of a natural rock wall or rock wall, or protected slope created through mineral and natural resource recovery activities or public or private road installation or widening and related transportation improvements, railroad track installation or improvement, or public or private utility installation activities pursuant to subsection N2 of this Section, Modifications.

ii. Grading to the extent that it eliminates all or portions of a mound or to allow reconfiguration of protected slopes created through mineral and natural resource recovery activities or public or private road installation or widening and related

transportation improvements, railroad track installation or improvement, or public or private utility installation activities, pursuant to subsection N2 of this Section, Modifications.

c. Exceptions through Variance: Exceptions to the prohibition may be granted for construction, reconstruction, additions, and associated accessory structures of a single family home on an existing legal lot pursuant to a variance as stated in RMC 4-9-250B1.

d. Exceptions through Waiver: Exceptions to the prohibition may be granted for installation of public utilities which are needed to protect slope stability, and public road widening where all the following provisions have been demonstrated:

i. The utility or road improvement is consistent with the Renton Comprehensive Plan, adopted Utility Plans, and the Transportation Improvement Program where applicable.

ii. Alternative locations have been determined to be economically or functionally infeasible.

iii. A geotechnical evaluation indicates that the proposal will not increase the risk of occurrence of a geologic hazard, and measures are identified to eliminate or reduce risks.

iv. The plan for the improvement is based on consideration of the best available science as described in WAC 365-195-905; or where there is an absence of valid scientific information, the steps in RMC 4-9-250F are followed.

Where the excepted activities above are allowed, the erosion control measures in subsection J6 of this Section, Sensitive Slopes, Medium, High and Very High Landslide Hazards, and High Erosion Hazards, shall also apply.

e. Native Growth Protection Areas – Protected Slopes: Unless development is allowed pursuant to subsection J.5.a through J.5.d, protected slopes shall be placed in a native growth protection area pursuant to RMC 4-3-050E.4, or dedicated to a conservation organization or land trust, or similarly preserved through a permanent protective mechanism acceptable to the City.

f. Conditions of Approval: Based upon the results of the geotechnical report and independent review, conditions of approval for developments on sites which include steep slopes may include, but are not limited to vegetation enhancement, slope stabilization, buffer zones, or other requirements. Mitigation plans may be required consistent with Section F8.

g. Coordination with Stream and Lake Buffers: When a required stream/lake buffer falls within a protected slope area, the stream/lake buffer width shall extend to the boundary of the protected slope.

6. Sensitive Slopes – Medium, High and Very High Landslide Hazards – High Erosion Hazards: The following standards apply to development on sensitive slopes, medium/high/very high landslide hazard areas, and high erosion hazard areas:

a. Erosion Control Plans: Development applications shall submit erosion control plans consistent with subsection J2 of this Section, Special Studies Required, and chapter 4-8 RMC, Permits and Decisions.

b. Conditions of Approval: The Reviewing Official may condition a development proposal to achieve minimal site erosion, including, but not limited to, timing of construction and vegetation stabilization, sequencing or phasing of construction, clearing and grading limits, and other measures. Mitigation plans may be required consistent with Section F8.

c. On-Site Inspections: During construction, weekly on-site inspections shall be required at the applicant's expense. Weekly reports documenting erosion control measures shall be required.

7. Very High Landslide Hazards:

a. Prohibited Development: Development shall not be permitted on land designated with very high landslide hazards, except by variance, administered pursuant to RMC 4-9-250B1, for construction of a single family home on an existing legal lot.

b. Buffer Requirement: A buffer of fifty feet (50) shall be established from the top, toe and sides of a very high landslide hazard area. The Department Administrator may increase or decrease the required buffer based upon the results of a geotechnical report, and any increase or decrease based upon the results of the geotechnical study shall be documented in writing and included with the project approval.

i. The modified standard shall be based on consideration of the best available science as described in WAC 365-195-905; or where there is an absence of valid scientific information, the steps in RMC 4-9-250F shall be followed. Notification may be required pursuant to Section F8.

ii. When a required stream/lake buffer falls within a very high landslide hazard area or buffer, the stream/lake buffer width shall extend to the boundary of the very high landslide hazard buffer.

c. Native Growth Protection Area – Very High Landslide Hazards: The landslide hazard area shall be placed in a native growth protection area pursuant to subsection E.4 of this Section, or dedicated to a conservation organization or land trust, or similarly preserved through a permanent protective mechanism acceptable to the City. Based upon the

results of the geotechnical study, the buffer may be placed in a native growth protection area, or it may be designated as a "no build" easement, or the area may be designated in part, a native growth protection area and in part, a "no build" easement.

8. Coal Mine Hazards:

a. Medium Hazard – Report Required: Reports consistent with subsection J2 of this Section, Special Studies Required, and chapter 4-8 RMC, Permits and Decisions, shall be prepared for development proposed within medium coal mine hazard areas and for development proposed within two hundred feet (200) of a medium coal mine hazard area. An applicant may request that the Department Administrator waive the report requirement pursuant to subsection D4b of this Section, Review Authority – Geologic Hazards, Habitat Conservation, Streams and Lakes, and Wetlands. where it has been determined through field documentation that coal mine hazards are not present.

b. High Hazard – Report Required: Reports consistent with subsection J2 of this Section, Special Studies Required, and chapter 4-8 RMC, Permits and Decisions, shall be prepared for development proposed within high coal mine hazard areas and for development proposed within five hundred feet (500) of a high coal mine hazard area. An applicant may request that the Department Administrator waive the report requirement pursuant to subsection D4b of this Section, Review Authority – Geologic Hazards, Habitat Conservation, Streams and Lakes, and Wetlands, where it has been determined through field documentation that coal mine hazards are not present.

c. Conditions of Approval: Based upon the results of studies prepared, the City may condition approval of development by requiring mitigation. Potential mitigation may include, but is not limited to, backfilling and sealing mine entries and shafts, backfilling existing

sinkholes, removal or regrading or capping coal mine waste dumps, limiting development on portions of the site, or other measures offering equal protection from the hazard. A mitigation plan may be required consistent with Section F8.

i. Additional Engineering Design and Remediation Specifications: After approval of the mitigation approach proposed as a result of subsection J8c of this Section, and prior to construction, the applicant shall complete engineering design drawings and specifications for remediation. Upon approval of the plans and specifications, the applicant shall complete the remediation. Hazard mitigation shall be performed by or under the direction of a qualified engineer or geologist. The applicant shall document the hazard mitigation by submitting as-builts and a remediation construction report.

d. Hazards Found during Construction: Any hazards found during any development activities shall be immediately reported to the Development Services Division. Any coal mine hazards shall be mitigated prior to recommencing construction based upon supplemental recommendations or reports by the applicant's geotechnical professional.

e. Construction in Areas with Combustion: Construction shall not be permitted where surface or subsurface investigations indicate the possible presence of combustion in the underlying seam or seams, unless the impact is adequately mitigated in accordance with the recommendations of the applicant's geotechnical professional.

9. Volcanic Hazards: Critical facilities on sites containing areas susceptible to inundation due to volcanic hazards shall require an evacuation and emergency management plan. The applicant for critical facilities shall evaluate the risk of inundation or flooding resulting from mudflows originating on Mount Rainier in a geotechnical report, and identify any engineering or other mitigation measures as appropriate. Mitigation plans may be required consistent with F8.

K. HABITAT CONSERVATION:

1. Applicability: The habitat conservation regulations apply to all nonexempt activities on sites containing or abutting critical habitat as classified below.

a. Critical Habitat: Critical habitats are those habitat areas which meet any of the following criteria:

i. Habitats associated with he documented presence of non-salmonid (see subsection L.1 and RMC 4-3-090 Shoreline Master Program Regulations for salmonid species) species proposed or listed by the federal government or State of Washington as endangered, threatened, candidate, sensitive, monitor, or priority; and/or

ii. Category 1 wetlands (refer to subsection M.1 of this Section for classification criteria.

b. Mapping:

i. Critical habitats are identified by lists, categories and definitions of species promulgated by the Washington State Department of Fish and Wildlife (Non-game Data System Special Animal Species) as identified in WAC 232-12-011; in the Priority Habitat and Species Program of the Washington State Department of Fish and Wildlife; or by rules and regulations adopted currently or hereafter by the U.S. Fish and Wildlife Service.

ii. Referenced inventories and maps are to be used as guides to the general location and extent of critical habitat. Critical habitat which is identified in subsection K1a of this Section, but not shown on the referenced inventories and maps, are presumed to exist in the City and are also protected under all the provisions of this section.

iii. The actual presence or absence of the criteria listed above as determined by qualified professionals, shall govern the treatment of an individual building site or parcel of land requiring compliance with these regulations.

c. Performance Standards: In addition to the general standards of subsection E of this Section, the following performance standards, subsections K2 to K5, apply to all non-exempt activities on sites containing critical habitat areas per subsection K1a.

2. Habitat Assessment Required: Based upon subsection K1 of this Section, Applicability, the City shall require a habitat/wildlife assessment for activities that are located within or abutting a critical habitat, or that are adjacent to a critical habitat, and have the potential to significantly impact a critical habitat. The assessment shall determine the extent, function and value of the critical habitat and potential for impacts and mitigation consistent with report requirements in RMC 4-8-120.D. In cases where a proposal is not likely to significantly impact the critical habitat and there is sufficient information to determine the effects of a proposal, an applicant may request that this report be waived by the Department Administrator in accordance with subsection D4b of this Section.

3. Bald Eagle Habitat: Bald eagle habitat shall be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292).

4. Native Growth Protection Areas: Based on the required habitat assessment, the Reviewing Official may require critical habitat areas and their associated buffers be placed in a native growth protection area subject to the requirements of subsection E.4 of this Section, or dedicated to a conservation organization or land trust, or similarly preserved through a permanent protective mechanism acceptable to the City.

5. Alterations Require Mitigation: If alterations to critical habitat/wildlife habitat or buffers are proposed, mitigation shall be required by the City. The applicant shall evaluate alternative methods of developing the property using the following criteria in this order:

a. Avoid any disturbances to the habitat.

b. Minimize any impacts to the habitat.

c. Compensate for any habitat impacts.

6. Mitigation Options: In addition to any performance standards or mitigation required by wetland regulations, additional mitigation may be determined by the Reviewing Official based upon the consultant report submitted by the applicant, and/or peer review of the applicant's consultant report by a qualified professional selected by the City at the applicant's expense, and/or by information from State or Federal agencies.

a. On-Site Mitigation: Mitigation shall be provided on-site, unless on-site mitigation is not scientifically feasible due to physical features of the property. The burden of proof shall be on the applicant to demonstrate that mitigation cannot be provided on-site.

b. Off-Site Mitigation: When mitigation cannot be provided on-site, mitigation shall be provided in the immediate vicinity of the permitted activity on property owned or controlled by the applicant, and identified as such through a recorded document such as an easement or covenant, provided such mitigation is beneficial to the habitat area and associated resources.

c. In-Kind Mitigation: In-kind mitigation shall be provided except when the applicant demonstrates and the City concurs that greater functional and habitat value can be achieved through out-of-kind mitigation.

7. Mitigation Plan: Mitigation plans may be required consistent with F8.

L. STREAMS AND LAKES:

1. Applicability/Lands to Which These Regulations Apply: These stream and lake regulations apply to sites containing all or portions of Class 2 to 4 streams or lakes and/or their buffers as described below. This section does not apply to Class 1 waters which are regulated by RMC 4-3-090, Shoreline Master Program Regulations, or to Class 5 waters which are exempt. All other critical area regulations, including, but not limited to flood hazard regulations and wetland regulations, do apply to classified streams where applicable.

a. Classification System: The following classification system is hereby adopted for the purposes of regulating streams and lakes in the City. Stream and lake buffer widths are based on the following rating system:

i. Class 1: Class 1 waters are perennial salmonid-bearing waters which are classified by the City and State as Shorelines of the State.

ii. Class 2: Class 2 waters are perennial or intermittent salmonid-bearing waters which meet one or more of the following criteria:

(a) Mapped on Figure Q.4, Renton Water Class Map, as Class 2; and/or

(b) Historically and/or currently known to support salmonids, including resident trout, at any stage in the species lifecycle; and/or

(c) is a water body (e.g. pond, lake) between 0.5 acre and 20 acres in size.

iii. Class 3: Class 3 waters are non-salmonid-bearing perennial waters during years of normal rainfall, and/or mapped on Figure Q.4, Renton Water Class Map, as Class 3.

iv. Class 4: Class 4 waters are non-salmonid-bearing intermittent waters during years of normal rainfall, and/or mapped on Figure Q.4, Renton Water Class Map, as Class 4.

v. Class 5: Class 5 waters are non-regulated non-salmonid-bearing waters which meet one or more of the following criteria:

(a) flow within an artificially constructed channel where no naturally-defined channel had previously existed; and/or

(b) Are a surficially isolated water body less than 0.5 acre (e.g. pond) not meeting the criteria for a wetland as defined in Section M.

b. Measurement:

i. Stream/Lake Boundary: The boundary of a stream or lake shall be considered to be its Ordinary High Water Mark (OHWM). The OHWM shall be flagged in the field by a qualified consultant when any study is required pursuant to Subsection L of this Section.

ii. Buffer: The boundary of a buffer shall extend beyond the boundaries of the stream or lake to the width applicable to the stream/lake class as noted in Subsection L.5 below, Stream/Lake Buffer Width Requirements. Where streams enter or exit pipes, the buffer in subsection ii shall be measured perpendicular to the ordinary high water mark

from the end of the pipe along the open channel section of the stream.

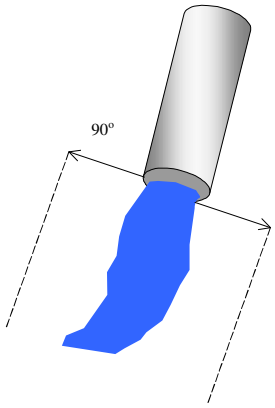



Figure 4-3-050.L.b.ii. Buffer measurement at pipe opening.

c. Maps and Inventory:

i. Mapped Streams and Lakes: The approximate location and extent of Class 2 to 4 water bodies within the City limits are indicated on a map in Subsection Q of this Section, Maps. The map is to be used as a guide to the general location and extent of streams. Specific locations and extents will be determined by the City based upon field review and applicant-funded studies prepared pursuant to Subsection L.3.

ii. Reclassification: Where there is a conflict between the Renton Water Class Map in Subsection Q and the criteria in Subsection L.1.a, the criteria in Subsection L.1.a shall govern. The re-classification of a water body to a lower class (i.e. 2 to 3, or 3 to 4, etc.) requires Administrator acceptance of a Supplemental Stream or Lake Study, followed by a legislative amendment to the map in Subsection Q prior to its effect.

iii. Unmapped Streams and Lakes: Streams and lakes which are defined in Subsection L.1.a of this Section, Classification System, but not shown on the Renton Water Class Map in Subsection Q, are presumed to exist in the City and are regulated by all the

provisions of this Section. IF the water body is unmapped according to the City of Renton's Water Class Map (refer to Subsection Q), and:

(a) the width of the stream channel averages less than two-feet at the Ordinary High Water Mark, or

(b) the stream channel has an average gradient of greater than 20 percent, or

(c) the channel or water body is upstream of an existing, enduring, and complete barrier to salmonid migration, as interpreted in Subsection L.1.c.iv below, or as shown on the City of Renton's Salmonid Migration Barrier Map, and the channel or water body contains water only intermittently upstream of the barrier during years of normal rainfall, or

(d) the water body is isolated from any connected stream and/or wetland, or

(e) the water body is less than 0.5 acre in size and connected to a stream meeting the criteria noted in Subsections L.1.c.iii.(a) through (c) above;

THEN the water body is considered Non-Salmonid-Bearing and water class would be assessed based upon the Non-Salmonid-Bearing Waters criteria in Subsections L.1.a.iii. through v. above. HOWEVER, If none of the conditions above apply, then the water body is considered Salmonid-Bearing - Class 2. Classification of an unmapped stream or lake is effective upon expiration of the 14-day appeal period following the Administrator's determination, and the map in Subsection Q shall be amended consistent with Administrator determinations at the next appropriate amendment cycle.

iv. Salmonid Migration Barriers: For purposes of classifying or reclassifying water bodies, features determined by the Administrator to be salmonid migration barriers per definition in RMC 4-11-190 shall be mapped. The Administrator shall prepare and update the map as appropriate and maintain a copy in the Planning/Building/Public Works Customer Service Area.

v. Experts or State Agency May Be Required or Consulted: The City may require an applicant to retain an expert or to consult the Washington Department of Fish & Wildlife to assess salmonid-bearing status of the channel in question and prepare a report to the City detailing the facts and conclusion of their analysis.

vi. Criteria to Govern: The actual presence or absence of the stream and lake criteria listed in this Section L, as determined by qualified professionals, shall govern the treatment of an individual building site or parcel of land requiring compliance with these regulations.

2. Applicability - Activities to Which This Section Applies: This Section applies to all non-exempt activities on sites containing Class 2 to 4 streams or lakes and their associated buffers.

3. Studies Required:

a. When Standard Stream or Lake Study Is Required: The applicant shall be required to conduct a Standard Stream or Lake Study per RMC 4-8-120 if a site contains a water body or buffer area or the project area is within one hundred feet (100') of a water body even if the water body is not located on the subject property.

b. When Supplemental Stream or Lake Study is Required: The applicant shall be required to conduct a Supplemental Stream or Lake Study per RMC 4-8-120 if a site

contains a water body or buffer area and changes to buffer requirements or alterations of the water body or its associated buffer are proposed, either administratively or via a variance request.

c. When Stream or Lake Mitigation Plan is Required: The applicant shall be required to conduct a Stream or Lake Mitigation Plan per RMC 4-8-120 if impacts are identified within a Supplemental Stream or Lake Study. The approval of the Stream or Lake Mitigation Plan by the Administrator shall be based on the criteria located in Subsection L.3.c.ii below.

i. Timing of Mitigation Plan – Final Submittal and Commencement: When a Stream or Lake Mitigation Plan is required, the applicant shall submit a final mitigation plan for the approval of the Administrator prior to the issuance of building or construction permits whichever comes first. The applicant shall receive written approval of the final mitigation plan prior to commencement of any mitigation activity.

ii. Criteria for Approval of Stream or Lake Mitigation Plan for Alterations of Streams and Lakes or Associated Buffers: In order to approve a Stream or Lake Mitigation Plan the Administrator shall find that the Plan demonstrates compliance with the following criteria:

(a) Mitigation Location: Mitigation location shall follow the preferences in (i) to (iv) below. Basins and subbasins are indicated in 4-3-050.Q, Maps:

(i) On-site mitigation: On-site mitigation is required unless the Reviewing Official finds that on-site mitigation is not feasible or desirable;

(ii) Off-site mitigation within same drainage subbasin as subject site: Off-site mitigation may be allowed when located within the same

drainage subbasin as the subject site and if it achieves equal or improved ecological functions over mitigation on the subject site;

(iii) Off-site mitigation within same drainage basin within City limits: Off-site mitigation may be allowed when located within the same drainage basin within the Renton City limits if it achieves equal or improved ecological functions within the City over mitigation within the same drainage subbasin as the project;

(iv) Off-site mitigation within the same drainage basin outside the City limits: Off-site mitigation may be allowed when located within the same drainage basin outside the Renton City limits if it achieves equal or improved ecological functions over mitigation within the same drainage basin within the Renton City limits and it meets City goals.

(b) Mitigation Type: Types of mitigation shall follow the preferences in (i) to (iii) below:

(i) Daylighting (returning to open channel) of streams or removal of manmade salmonid migration barriers;

(ii) Removal of impervious surfaces in buffer areas and improved biological function of the buffer;

(iii) In stream or in-lake mitigation as part of an approved watershed basin restoration project;

(iv) Other mitigation suitable for site and water body conditions that meet all other provisions for a mitigation plan.

In all cases, mitigation shall provide for equivalent or greater biological functions per ii(e) below.

(c) Contiguous corridors: Mitigation sites shall be located to preserve or achieve contiguous riparian or wildlife corridors to minimize the isolating effects of development on habitat areas, so long as mitigation of aquatic habitat is located within the same aquatic ecosystem as the area disturbed; and

(d) Non-indigenous species: Wildlife, or fish species not indigenous to the region shall not be introduced into a riparian mitigation area unless authorized by a State or Federal permit or approval. Plantings shall be consistent with Section 4-3-050.L.6.c.; and

(e) Equivalent or greater biological functions: The Administrator shall utilize the report "City of Renton Best Available Science Literature Review and Stream Buffer Recommendations" by AC Kindig & Company and Cedarock Consultants, dated February 27, 2003, unless superceded with a City-adopted study, to determine the existing or potential ecological function of the stream or lake or riparian habitat that is being affected. Mitigation shall address each function affected by the alteration. Mitigation to compensate alterations to stream/lake areas and associated buffers shall achieve equivalent or greater biologic and hydrologic functions and shall include mitigation for adverse impacts upstream or downstream of the development proposal site. No-net-loss of riparian habitat or water body function shall be demonstrated; and

(f) Minimum Mitigation Plan Performance Standards: See Subsection 4-3-050.F.8.

(g) Additional Conditions of Approval: The Administrator shall condition approvals of activities allowed within or abutting a stream/lake or its buffers, as

necessary to minimize or mitigate any potential adverse impacts. Conditions may include, but are not limited to, the following:

(i) Preservation of critically important vegetation and/or habitat features such as snags and downed wood;

(ii) Limitation of access to the habitat area, including fencing to deter unauthorized access;

(iii) Seasonal restriction of construction activities; and

(iv) Establishment of a duration and timetable for periodic review of mitigation activities.

(h) Based on Best Available Science: The applicant shall demonstrate that the mitigation is based on consideration of the best available science as described in WAC 365-195-905; or where there is an absence of valid scientific information, the steps in RMC 4-9-250F are followed.

iii. Performance Surety: The Administrator shall require a performance surety to ensure completion and success of proposed mitigation, per RMC 4-3-050.G and 4-1-230.

iv. Alternative Mitigation: The mitigation requirements set forth in this Subsection L.3 may be modified at the Administrator's discretion if the applicant demonstrates that improved habitat functions, on a per function basis, can be obtained in the affected sub-drainage basin as a result of alternative mitigation measures.

d. Studies Waived:

i. Standard Stream or Lake Study: May only be waived by the Administrator when the applicant provides satisfactory evidence that:

(a) A road, building or other barrier exists between the water body and the proposed activity, or

(b) The water body or required buffer area does not intrude on the applicant's lot, and based on evidence submitted, the proposal will not result in significant adverse impacts to nearby water bodies regulated under this Section; or

(c) Applicable data and analysis appropriate to the proposed project exists and an additional study is not necessary.

ii. Supplemental Stream or Lake Study: May only be waived by the Administrator when:

(a) No alterations or changes to the stream or lake, or its standard buffer are proposed; or

(b) Applicable data and analysis appropriate to the proposed project exists and an additional report is not necessary.

iii. Stream or Lake Mitigation Plan: May only be waived when no impacts have been identified through a Supplemental Stream or Lake Study.

e. Period of Validity for Studies Associated with This Section: Studies submitted and reviewed are valid for five (5) years from date of Study completion unless the Administrator determines that conditions have changed significantly.

4. General Standards for Class 2 to 4 Waters:

a. Disturbance Prohibited: Streams and lakes and their buffer areas shall be undisturbed, except where the buffer is to be enhanced, or where exemptions allowed in

Subsection 4-3-050.C are conducted, or where allowed to be altered in accordance with Subsections L5, L7 and L8. Where water body or buffer disturbance has occurred in accordance with exemption or development permit approval during construction or other activities, revegetation with native vegetation shall be required.

b. No Net Loss: There shall be no net loss of riparian area or shoreline ecological function resulting from any activity or land use occurring within the regulated buffer area.

5. Stream/Lake Buffer Width Requirements:

a. Buffers and Setbacks:

i. Minimum Stream/Lake Buffer Widths: The minimum width of the required buffers shall be based upon the water body class.

(a) Class 2: 100 feet

(b) Class 3: 75 feet

(c) Class 4: 35 feet

ii. Piped or Culverted Streams:

(a) Building structures over a natural stream located in an underground pipe or culvert except as may be granted by a variance in RMC 4-9-250 is prohibited. Transportation or utility crossings or other alterations pursuant to Section L8 are allowed. Pavement over a pre-existing piped stream is allowed. Relocation of the piped stream system around structures is allowed. If structure locations are proposed to be changed or the piped stream is being relocated around buildings, a hydrologic and hydraulic analysis of existing piped stream systems will be required for any development project site that contains a piped

stream to ensure it is sized to convey the 100-year runoff level from the total upstream tributary area based on future land use conditions.

(b) No buffers are required along segments of piped or culverted streams. The City shall require easements and setbacks from pipes or culverts consistent with stormwater requirements in RMC 4-6-030 and the adopted drainage manual.

b. Increased Buffer Width:

i. Areas of High Blow-down Potential: Where the stream/lake buffer is in an area of high blow-down potential as identified by a qualified professional, the buffer width may be expanded an additional fifty (50) feet on the windward side by the Responsible Official. Notifications may be required per section F8.

ii. Buffers Falling Within Protected Slope or Very High Landslide Area: When the required stream/lake buffer falls within a protected slope or very high landslide hazard area or buffer, the stream/lake buffer width shall extend to the boundary of the protected slope or the very high landslide hazard buffer. Notifications may be required per section F8.

c. Reduction of Buffer Width:

i. Authority: Based upon an applicant's request, and the acceptance of a Supplemental Stream or Lake Study, the Administrator may approve a reduction in the minimum buffer widths where the applicant can demonstrate compliance with Subsections iv(a), (c), (d), (e) and (f) below and any mitigation requirements as a result of L.3.c.ii above; or compliance with Subsections iv(b), (c), (d), (e), and (f) below and any mitigation requirements as a result of L.3.c.ii. above.

ii. Minimum Buffer Width Permissible by Administrator: An enhanced buffer shall not be less than the widths specified below for reduced buffers.

(a) Class 2: 75 feet

(b) Class 3: 50 feet

(c) Class 4: 25 feet

(d) Sites Separated from Stream or Lake: As determined by the Administrator, for development proposed on sites separated from the stream or lake by pre-existing, intervening, and lawfully created structures, roads, bulkheads/hard structural stabilization, or other substantial existing improvements. For the purposes of this section, the intervening lots/parcels, roads, bulkheads/hard structural stabilization, or other substantial improvements shall be found to:

(i)Separate the subject upland property from the water body due to their height or width; and

(ii)Substantially prevent or impair delivery of most riparian functions from the subject upland property to the water body.

The buffer width established shall reflect the riparian functions that can be delivered to the regulated stream.

Greater buffer width reductions than listed in subsections (a) through (c) above require review as a variance per Subsection N3 of this Section and RMC 4-9-250B. Where a Class 2 or 3 stream is daylighted, greater buffer reductions may be allowed by modification in RMC 4-3-050.N.2.

iii. Procedure: Such determination and evidence shall be included in the application file. Public notification shall be given as follows:

(a) For applications that are not subject to notices of application per RMC 4-8, notice of the buffer determination shall be given by posting the site and notifying parties of record, if any, in accordance with RMC 4-8.

(b) For applications that are subject to notices of application, the buffer determination or request for determination shall be included with notice of application. Upon determination, notification of parties of record, if any, shall be made.

iv. Criteria for Approval of Reduced Buffer Width: The following criteria (a) and (c) through (f), or criteria (b) through (f) shall be met:

(a) Buffer condition: Either subsection (i) and (iii) through (v) shall be met or subsection (ii) through (v) shall be met:

(i) The buffer area land is extensively vegetated with native species, including trees and shrubs, and has less than 5 percent non-native invasive species cover, and has less than fifteen percent (15%) slopes, or

(ii) The buffer can be enhanced with native vegetation and removal of non-native species per criteria (c), and has less than fifteen percent (15%) slopes; and

(iii) The width reduction will not reduce stream or lake functions, including those of anadromous fish or nonfish habitat; and

(iv) The width reduction will not degrade riparian habitat; and

(v) No direct or indirect, short-term or long-term, adverse impacts to regulated water bodies, as determined by the City, will result from a regulated

activity. The City's determination shall be based on specific site studies by recognized experts, pursuant to Subsection F3 and RMC 4-8-120; or

(b) The proposal includes daylighting of a stream, or removal of legally installed, as determined by the Administrator, salmonid passage barriers; and

(c) The project includes a buffer enhancement plan using native vegetation and substantiates that the enhanced area will be equal to or improve the functional attributes of the buffer; or in the case of existing developed sites where a natural buffer is not possible, the proposal includes on- or off-site riparian/lakeshore or aquatic enhancement proportionate to its project specific or cumulative impact on shoreline ecological functions; and

(d) The proposal will result in, at minimum, no-net loss of stream/lake/riparian ecological function; and

(e) The proposal does not result in increased flood hazard risk; and

(f) The proposed buffer standard is based on consideration of the best available science as described in WAC 365-195-905; or where there is an absence of valid scientific information, the steps in RMC 4-9-250F are followed.

d. Averaging of Buffer Width:

i. Authority: Based upon an applicant's request, and the acceptance of a Supplemental Stream or Lake Study, the Administrator may approve buffer width averaging.

ii. Minimum Averaged Buffer Widths: In no instance shall the buffer width be less than:

(a) Class 2: 50 feet

(b) Class 3: 37.5 feet

(c) Class 4: 25 feet

Greater buffer width reductions than listed in subsections (a) through (c) above require review as a variance per Subsection N3 of this Section and RMC 4-9-250B.

iii. Criteria for Approval: Buffer width averaging may be allowed by the Administrator only where the applicant demonstrates all of the following:

(a) The water body and associated riparian area contains variations in ecological sensitivity or there are existing physical improvements in or near the water body and associated riparian area; and

(b) Buffer width averaging will result in no-net loss of stream/lake/riparian ecological function; and

(c) The total area contained within the buffer after averaging is no less than that contained within the required standard buffer width prior to averaging; and

(d) The proposed buffer standard is based on consideration of the best available science as described in WAC 365-195-905; or where there is an absence of valid scientific information, the steps in RMC 4-9-250F are followed.

iv. Buffer Enhancement May be Required: Where the buffer width is reduced by averaging per this Subsection, buffer enhancement shall be required where appropriate to site conditions, habitat sensitivity, and proposed land development characteristics.

v. Notification: Notification may be required consistent with Subsection F8.

6. Stream or Lake Buffer Use Restrictions and Maintenance: Any activity or proposal subject to RMC 4-3-050.L shall comply with the following standards within required buffer areas:

a. Preservation of Native Vegetation: Existing native vegetation shall be preserved to the extent possible, preferably in consolidated areas.

b. Revegetation Required: Where water body buffer disturbance has occurred in accordance with exemption or development permit approval or other activities, revegetation with native vegetation shall be required.

c. Use of Native Species: When revegetation is required, native species, or other appropriate species naturalized to the Puget Sound region and approved by the Reviewing Official, shall be used. A variety of species shall be used which serve as food or shelter from climatic extremes and predators, and as structure and cover for reproduction and rearing of young.

d. Removal of Noxious Species: When required as a condition of approval, noxious or undesirable species of plants shall be removed or controlled so as to not compete with native vegetation.

e. Impervious Surface Restrictions: Where impervious surfaces exist in buffer areas, such impervious surfaces shall not be increased or expanded within the buffer area. The extent of impervious surfaces within the buffer area may only be re-arranged if the reconfiguration of impervious surfaces and restoration of prior surfaced areas is part of an enhancement proposal that improves ecological function of the area protected by the buffer.

7. Criteria for Permit Approval – Class 2 to 4: Permit approval by the Reviewing Official for projects on or near regulated water bodies shall be granted only if the approval is consistent with the provisions of this Section L, and complies with the following:

a. Creation of Native Growth Protection Areas Required: As a condition of any approval for any development permit issued pursuant to this Section, the property owner shall be required to create a native growth protection area containing the stream/lake area and associated buffers based upon field investigations performed pursuant to Subsection E.4, and

b. At least one of the following conditions must apply:

i. A proposed action meets the standard provisions of this Section and results in no net loss of regulated riparian area or shoreline ecological function in the drainage basin where the site is located, or

ii. A proposed action meets alternative administrative standards pursuant to this Section and the proposed activity results in no net loss of regulated riparian area or shoreline ecological function in the drainage basin where the site is located; or

iii. A variance process is successfully completed and the proposed activity results in no net loss of regulated riparian area or shoreline ecological function in the drainage basin where the site is located.

8. Alterations Within Streams and Lakes or Associated Buffers

a. Transportation Crossings:

i. Criteria for Administrative Approval of Transportation Crossings in Stream/Lake or Buffer Areas: Construction of vehicular or non-vehicular transportation crossings may be permitted in accordance with an approved supplemental stream/lake study subject to the following criteria:

(a) The proposed route is determined to have the least impact on the environment, while meeting City Comprehensive Plan Transportation Element requirements and standards in RMC 4-6-060; and

(b) The crossing minimizes interruption of downstream movement of wood and gravel; and

(c) Transportation facilities in buffer areas shall not run parallel to the water body; and

(d) Crossings occur as near to perpendicular with the water body as possible; and

(e) Crossings are designed according to the Washington Department of Fish and Wildlife *Fish Passage Design at Road Culverts*, 1999, and the National Marine Fisheries Service *Guidelines for Salmonid Passage at Stream Crossings*, 2000, as may be updated, or equivalent manuals as determined by the Responsible Official; and

(f) Seasonal work windows are determined and made a condition of approval; and

(g) Mitigation criteria of RMC 4-3-050.L.3.c.ii. are met.

b. Alterations of Streams and Lakes or Associated Buffers -- Utilities:

i. Criteria for Administrative Approval of Utilities in Stream/Lake or Buffer: New utility lines and facilities may be permitted to cross water bodies in accordance with an approved supplemental stream/lake study, if they comply with the following criteria:

(a) Fish and wildlife habitat areas shall be avoided to the maximum extent possible; and

(b) The utility is designed consistent with one or more of the following methods:

(i) Installation shall be accomplished by boring beneath the scour depth and hyporheic zone of the water body and channel migration zone; or

(ii) The utilities shall cross at an angle greater than sixty (60) degrees to the centerline of the channel in streams or perpendicular to the channel centerline; or

(iii) Crossings shall be contained within the footprint of an existing road or utility crossing; and

(c) New utility routes shall avoid paralleling the stream or following a down-valley course near the channel; and

(d) The utility installation shall not increase or decrease the natural rate of shore migration or channel migration; and

(e) Seasonal work windows are determined and made a condition of approval; and

(f) Mitigation criteria of RMC 4-3-050.L.3.c.ii. are met.

c. Alterations of Streams and Lakes or Associated Buffers – In-Water Structures and In-Water Work:

i. Administrative Approval of In-Water Structures or In-Water Work: In accordance with an approved supplemental stream or lake study, in-water structures or work may be permitted, subject to the following: In-stream structures, such as, but not limited to, high flow bypasses, sediment ponds, in-stream ponds, retention and detention facilities, tide gates, dams, and weirs, shall be allowed as part of an approved watershed basin restoration

project approved by the City of Renton, and in accordance with mitigation criteria of RMC 4-3-050.L.3.c.ii. The applicant will obtain and comply with State or Federal permits and requirements.

d. Alterations of Streams and Lakes or Associated Buffers -- Dredging.

i. Administrative Approval of Dredging: Dredging may be permitted only when:

(a) Dredging is necessary for flood hazard reduction purposes, if a definite flood hazard would exist unless dredging were permitted; or

(b) Dredging is necessary to correct problems of material distribution and water quality, when such problems are adversely affecting aquatic life; or

(c) Dredging is associated with a stream habitat enhancement or creation project not otherwise exempt in 4-3-050.C; or

(d) Dredging is necessary to protect public facilities; or

(e) Dredging is required as a maintenance and operation condition of a federally funded flood hazard reduction project or a hazard mitigation project; *and*

(f) Applicable mitigation criteria of RMC 4-3-050.L.3.c.ii. are met.

e. Alterations of Streams and Lakes or Associated Buffers -- Stream Relocation:

i. Administrative Approval of Stream Relocation: Stream relocation may be allowed when analyzed in an accepted supplemental stream or lake assessment, and when the following criteria and conditions are met:

(a) Criteria – Stream relocation may only be permitted if associated with:

(i) A public flood hazard reduction/habitat enhancement project approved by appropriate State and/or Federal agencies; or

(ii) Expansion of public road or other public facility improvements where no feasible alternative exists; or

(iii) A public or private proposal restoring a water body and resulting in a net benefit to on- or off-site habitat and species.

(b) Additional Conditions: The following conditions also apply to any stream relocation proposal meeting one or more of the above criteria:

(i) Buffer widths shall be based upon the new stream location, provided that the buffer widths may be reduced or averaged if meeting criteria of L.5 c or d or subsection (b)(ii). Where minimum required buffer widths are not feasible for stream relocation proposals that are the result of activities pursuant to criteria i(a)(i) and i(a)(ii) above, other equivalent on- or off-site compensation to achieve no-net-loss of riparian function is provided;

(ii) When Class 4 streams are proposed for relocation due to expansions of public roads or other public facility improvements per subsection (a)(ii) above, the buffer area between the facility and the relocated stream shall not be less than the width prior to the relocation. The provided buffer between the facility and the relocated stream shall be enhanced or improved to provide appropriate function given the class and condition of the stream; or if there is no buffer currently, other equivalent on- or off-site compensation to achieve no-net-loss of riparian function is provided.

(iii) Applicable mitigation criteria of RMC 4-3-050.L.3.c.ii. must be met.

(iv) Proper notifications and records must be made of stream relocations, per RMC 4-3-050.D.3.b, Information to be Obtained and Maintained, and RMC 4-3-050.D.3.c, Alterations of Watercourses, in cases where the stream/lake is subject to flood hazard regulations of RMC 4-3-050, as well as RMC 4-3-050.F8 if neighboring properties are impacted.

f. Alterations – Single Family Home – Existing Legal Lot: If criteria to reduce or average a buffer cannot be met, construction, reconstruction, additions, and associated accessory structures of a single family home on an existing legal lot may be allowed to intrude into a buffer pursuant to a variance as stated in RMC 4-9-250B1.

g. Alterations – Other: Proposed alterations of a stream or lake or associated buffer not addressed by Subsections L.8.a to L.8.f require a variance pursuant to RMC 4-9-250B in order to be conducted.

h. When Variance Is Required: If the proposed alteration applicable to Subsections L.8.a to L.8.g does not meet the above criteria, it shall require a variance per Subsection N3 of this Section and RMC 4-9-250B in order to be conducted.

9. Incentives for Restoration of Streams Located in an Underground Pipe or Culvert: Daylighting of culverted watercourses should be encouraged and allowed with the following incentives:

a. Modified Standards:

i. Residential Zones: Setbacks, lot width and lot depth standards of RMC 4-2 may be reduced by the Reviewing Official without requirement of a variance for lots

that abut the daylighted watercourse to accommodate the same number of lots as if the watercourse were not daylighted.

ii. Mixed Use, Commercial, and Industrial Zones:

(a) Where greater lot coverage allowances are provided for structured parking in RMC 4-2, lot coverage may be increased to the limit allowed for structured parking if instead a stream is daylighted. The increase in impervious surface allowed shall be equal to the area of stream restoration.

(b) Density bonuses may be allowed pursuant to RMC 4-9-065 where specified.

b. Standard buffers may be reduced per 4-3-050.L.5.c. If reduced buffers in L.5.c along with other development standards of the zone would not allow the same development level as without the watercourse daylighting, a modification may be requested in 4-3-050.N.

c. When designed consistent with the City's flood regulations in RMC 4-3-050.I.6, portions of the daylighted stream/created buffer may be considered part of compensatory storage in flood hazard areas.

d. Stream relocation is permitted subject to RMC 4-3-050.L.8.

M. WETLANDS:

1. Applicability: The wetland regulations apply to sites containing or abutting wetlands as described below. Category 3 wetlands, less than two thousand two hundred (2,200) square feet in area, are exempt from these regulations if they meet exemption criteria in RMC 4-3-050.C.

a. Classification System: The following classification system is hereby adopted for the purposes of regulating wetlands in the City. Wetlands buffer widths, replacement ratios and avoidance criteria shall be based on the following rating system:

i. Category 1: Category 1 wetlands are wetlands which meet one or more of the following criteria:

(a) The presence of species listed by Federal or State government as endangered or threatened, or the presence of essential habitat for those species; and/or

(b) Wetlands having forty percent (40%) to sixty percent (60%) permanent open water (in dispersed patches or otherwise) with two (2) or more vegetation classes; and/or

(c) Wetlands equal to or greater than ten (10) acres in size and having three (3) or more vegetation classes, one of which is open water; and/or

(d) The presence of plant associations of infrequent occurrence; or at the geographic limits of their occurrence; and/or

ii. Category 2: Category 2 wetlands are wetlands which meet one or more of the following criteria:

(a) Wetlands that are not Category 1 or 3 wetlands; and/or

(b) Wetlands that have heron rookeries or osprey nests, but are not Category 1 wetlands; and/or

(c) Wetlands of any size located at the headwaters of a watercourse, i.e. a wetland with a perennial or seasonal outflow channel, but with no defined influent channel, but are not Category 1 wetlands; and/or

(d) Wetlands having minimum existing evidence of human related physical alteration such as diking, ditching or channelization; and/or

iii. Category 3: Category 3 wetlands are wetlands which meet one or more of the following criteria:

(a) Wetlands that are severely disturbed. Severely disturbed wetlands are wetlands which meet the following criteria:

(i) Are characterized by hydrologic isolation, human-related hydrologic alterations such as diking, ditching, channelization and/or outlet modification; and

(ii) Have soils alterations such as the presence of fill, soil removal and/or compaction of soils; and

(iii) May have altered vegetation.

(b) Wetlands that are newly emerging. Newly emerging wetlands are:

(i) Wetlands occurring on top of fill materials; and

(ii) Characterized by emergent vegetation, low plant species richness and used minimally by wildlife. These wetlands are generally found in the areas such as the Green River Valley and Black River Drainage Basin.

(c) All other wetlands not classified as Category 1 or 2 such as smaller, high quality wetlands.

b. Maps and Inventory:

i. The approximate location and extent of wetlands in the City is displayed in subsection Q of this Section, Maps. The map is to be used as a guide to the general location and extent of wetlands.

ii. Wetlands which are defined in subsection M.1.a of this Section, Classification System, but not shown on the Renton Wetlands Map Inventory, are presumed to exist in the City and are also protected under all the provisions of this section.

iii. The actual presence or absence of the wetland criteria listed above, as determined by qualified professionals, shall govern the treatment of an individual building site or parcel of land requiring compliance with these regulations.

c. Delineation of Wetland Edge: For the purpose of regulation, the wetland edge should be delineated pursuant to subsection M4 of this Section.

d. Regulated and Nonregulated Wetlands: Refer to subsection M1a and M1f of this Section for applicability thresholds for regulatory and nonregulatory wetlands.

e. Performance Standards: In addition to general standards of subsection E of this Section, the following performance standards apply to all regulated wetlands.

i. Regulated and Nonregulated Wetlands – General: Wetlands created or restored as a part of a mitigation project are regulated wetlands. Regulated wetlands do not include those artificial wetlands intentionally created from nonwetland sites for purposes other than wetland mitigation, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm pond, and landscape amenities, or those wetlands created after July 1, 1990 that were unintentionally created as a result of the construction of a road, street, or highway. The Department

Administrator shall determine that a wetland is not regulated on the basis of photographs, statements, and other evidence.

ii. Nonregulated Category 3 Wetlands: Based upon an applicant request, the Department Administrator may determine that Category 3 wetlands are not considered regulated wetlands, if the applicant demonstrates the following criteria are met:

(a) The wetland formed on top of fill legally placed on a property; and

(b) The wetland hydrology is solely provided by the compaction of the soil and fill material; and

(c) The U.S. Army Corps of Engineers has determined that they will not take jurisdiction over the wetland.

2. General Standards for Permit Approval: Permit approval by the Reviewing Official for projects involving regulated wetlands or wetland buffers shall be granted only if the approval is consistent with the provisions of this section. Additionally, approvals shall only be granted if:

a. A proposed action avoids adverse impacts to regulated wetlands or their buffers or takes affirmative and appropriate measures to minimize and compensate for unavoidable impacts; and

b. The proposed activity results in no net loss of regulated wetland area, value, or function in the drainage basin where the wetland is located; or

c. A variance process is successfully completed to determine conditions for permitting of activity requested including measures to reduce impacts as appropriate.

3. Study Required:

a. When Study Is Required: Wetland assessments are required as follows:

i. Wetland Classification: The applicant shall be required to conduct a study to determine the classification of the wetland if the subject property or project area is within one hundred feet (100) of a wetland even if the wetland is not located on the subject property but it is determined that alterations of the subject property are likely to impact the wetland in question or its buffer. If there is a potential Category 1 or 2 wetland within three hundred (300) feet of a proposal, the City may require an applicant to conduct a study even if the wetland is not located on the subject property but it is determined that alterations of the subject property are likely to impact the wetland in question or its buffer.

ii. Wetland Delineation: A wetland delineation is required for any portion of a wetland on the subject property that will be impacted by the permitted activities.

b. Study Waived: The wetland assessment shall be waived by the Department Administrator when the applicant provides satisfactory evidence that a road, building or other barrier exists between the wetland and the proposed activity, or when the buffer area needed or required will not intrude on the applicant's lot, or when applicable data and analysis appropriate to the project proposed exists and an additional report is not necessary.

4. Delineation of Regulatory Edge of Wetlands:

a. Methodology: For the purpose of regulation, the exact location of the wetland edge shall be determined by the wetlands specialist hired at the expense of the applicant through the performance of a field investigation using the procedures provided in the following manual: Washington State Wetlands Identification and Delineation Manual, Washington State Department of Ecology, March 1997, Ecology Publication #96-94.

b. Delineations – Open Water: Where wetlands are contiguous with areas of open freshwater, streams, or rivers, the delineation shall be consistent with the Washington State Wetlands Rating System: Western Washington, Second Edition, Washington State Department of Ecology, August 1993, Publication #93-74, Appendix 5, or another accepted Federal or State methodology, subject to City review.

c. Adjustments to Delineation by City: Where the applicant has provided a delineation of the wetland edge, the City shall review and may render adjustments to the edge delineation. In the event the adjusted edge delineation is contested by the applicant, the City shall at the applicant's expense, obtain the services of an additional qualified wetlands specialist to review the original study and render a final delineation.

d. Period of Validity for Wetland Delineation:

i. Within City Limits: A final wetland delineation, for properties within the city limits at the time the delineation was prepared, is valid for five (5) years, unless the Administrator determines that conditions have changed.

ii. Outside City Limits: The period of validity of wetland delineations for properties, which were unincorporated at the time of the delineation, will be determined by the Administrator. Following a review of a wetland delineation prepared for a unincorporated property, since annexed into the city, the Administrator may require adjustments be made to the study or a new study prepared, per subsection M3 of this Section, Delineation of Regulatory Edge of Wetlands.

5. Determination of Wetland Classification: Wetland studies shall determine the appropriate wetland classification according to subsection M1 of this Section, Wetlands. The City may accept a dual wetland classification for a wetland exhibiting a combination of Category

1 and 2 features or a combination of Category 1 and 3 features. The City will not accept a dual rating for a Category 2 wetland, such as a combined Category 2 and 3 rating. Dual ratings for a Category 1 wetland shall be consistent with the Washington State Wetlands Rating System: Western Washington, Second Edition, Washington State Department of Ecology, August 1993, Publication #93-74 or as thereafter amended or updated.

6. Wetland Buffers:

a. Buffers Required:

i. Wetland buffer zones shall be required of all proposed regulated activities abutting regulated wetlands.

ii. Any wetland created, restored, or enhanced in conjunction with creation or restoration as compensation for approved wetland alterations shall include the standard buffer required for the class of the wetland being replaced.

iii. All required wetland buffer zones shall be retained in their natural condition. Category 3 wetland buffers of 25 feet require the buffers be fully vegetated with native species or restored; otherwise increased buffer widths to protect functions and values may be required.

iv. Where buffer disturbance has occurred during construction or other activities, revegetation with native vegetation may be required.

b. Measurement of Buffers: All buffers shall be measured from the wetland boundary as surveyed in the field pursuant to the requirements of subsection M4a of this Section, Methodology.

c. Standard Buffer Zone Widths:

i. The width of the required wetland buffer zone shall be determined according to the wetland category. The buffer zone required for all regulated wetlands is determined by the classification of the wetland. If standard buffer widths cannot be met, and buffer reductions per subsection M6e of this Section, and buffer averaging per subsection M6f cannot be accomplished, a variance to buffer requirements may be requested per subsection N of this Section, Alternates, Modifications and Variances, and RMC 4-9-250B, Variance Procedures. If the criteria in subsection d below are met, standard buffers may be increased.

| Wetland Category | Standard Buffer |
|---|---|
| Category 1 | 100 feet |
| Category 2 | 50 feet |
| Category 3 | 25 feet |

ii. To protect the buffer functions, the Reviewing Official shall condition permits as appropriate to the nature of the development. Conditions of approval may include, but are not limited to, the following:

(a) Fencing pursuant to RMC 4-3-050.E.4.e, plant materials, and signage pursuant to RMC 4-3-050.E.4.f, to limit pet and human disturbance;

(b) Directing lights from buildings or parking areas, or noise generating activities, away from the wetland;

(c) Implementing water quality treatment measures required in RMC 4-6-030, Drainage (Surface Water) Standards;

(d) Avoidance of buffer disturbance and retention of the buffer in a natural condition consistent with 4-3-050.M.6.a.

d. Increased Wetland Buffer Zone Width: Each applicant shall document in required wetland assessments whether the criteria d.i through d.iv are or are not met and increased wetland buffers are warranted. Based on the applicant's report or third party review, the Responsible Official may require increased standard buffer zone widths in unique cases, i.e., endangered species, very fragile areas, when a larger buffer is necessary to protect wetlands functions and values. Such determination shall be attached as a condition of project approval. Analysis shall be prepared as directed in subsection v, and notification shall be given pursuant to criteria vi.

i. The wetland is used by species listed by the Federal or the State government as threatened, endangered and sensitive species and State-listed priority species, essential habitat for those species or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees or evidence thereof; or

ii. The subject property, or nearby lands to which the subject property drains in route to a wetland are susceptible to severe erosion, and erosion control measures will not effectively prevent adverse wetland impacts; or

iii. The subject property, or nearby lands to which the subject property drains in route to a wetland have minimal vegetative cover or slopes greater than fifteen percent (15%) and conditions cannot be restored to prevent adverse wetland impacts; or

iv. Wetland dependent wildlife species are observed to be present in the wetland, and may require larger buffers based upon the evaluation in subsection v; and

v. For proposals meeting any of the criteria in subsections i to iv, buffers are established using a site specific evaluation and documentation of buffer adequacy based upon *The Science of Wetland Buffers and Its Implications for the Management of*

*Wetlands,* McMillan 2000, *Wetlands in Washington State Volume 2: Guidance for Protecting and Managing Wetlands*, Appendix 8C (Hruby et al. 2005), or similar approaches; and.

vi. Notification is given consistent with Subsection F8.

e. Reduction of Buffer Width: Based upon an applicant's request, the Administrator may approve a reduction in the standard wetland buffer zone widths on a case-by-case basis for Class 1 and 2 wetlands where the applicant can demonstrate compliance with subsections M6ei *and* iii or ii *and* iii below. Such determination and evidence shall be included in the application file and public notification shall be given in accordance with M6eiv. Conditions may be applied in accordance with subsection v.

i. The buffer area land is extensively vegetated and has less than fifteen percent (15%) slopes and no direct or indirect, short-term or long-term, adverse impacts to regulated wetlands, as determined by the City, will result from a regulated activity. The City's determination shall be based on specific site studies by recognized experts. The City may require long-term monitoring of the project and subsequent corrective actions if adverse impacts to regulated wetlands are discovered; or

ii. The project includes a buffer enhancement plan using native vegetation and substantiates that the enhanced buffer will be equal to or improve the functional attributes of the buffer. An enhanced buffer shall not result in greater than a twenty five percent (25%) reduction in the buffer width. Greater buffer width reductions require review as a variance per subsection N3 of this Section.

iii. The proposal shall rely upon a site specific evaluation and documentation of buffer adequacy based upon *The Science of Wetland Buffers and Its Implications for the Management of Wetlands,* McMillan 2000, or similar approaches. The

proposed buffer standard is based on consideration of the best available science as described in WAC 365-195-905; or where there is an absence of valid scientific information, the steps in RMC 4-9-250F are followed.

iv. Public notification of the buffer reduction determination shall be given as follows:

(a) For applications that are not subject to notices of application per RMC 4-8, notice of the buffer determination shall be given by posting the site and notifying parties of record, if any, in accordance with RMC 4-8.

(b) For applications that are subject to notices of application, the buffer determination or request for determination shall be included with notice of application. Upon determination, notification of parties of record, if any, shall be made.

v. The Reviewing Official shall apply conditions of approval equivalent or greater than those identified in M.6.c.ii to ensure that the reduced buffer width protect the functions and values of the associated wetlands.

f. Averaging of Buffer Width: Standard wetland buffer zones may be modified by averaging buffer widths. Upon applicant request, wetland buffer width averaging may be allowed by the Department Administrator only where the applicant demonstrates all of the following:

i. That the wetland contains variations in ecological sensitivity or there are existing physical improvements in or near the wetland and buffer; and

ii. That width averaging will not adversely impact the wetland function and values; and

iii. That the total area contained within the wetland buffer after averaging is no less than that contained within the required standard buffer prior to averaging; and

iv. A site specific evaluation and documentation of buffer adequacy based upon *The Science of Wetland Buffers and Its Implications for the Management of Wetlands,* McMillan 2000, or similar approaches have been conducted. The proposed buffer standard is based on consideration of the best available science as described in WAC 365-195-905; or where there is an absence of valid scientific information, the steps in RMC 4-9-250F are followed.

v. In no instance shall the buffer width be reduced by more than fifty percent (50%) of the standard buffer or be less than twenty five feet (25') wide. Greater buffer width reductions require review as a variance per subsection N3 of this Section and RMC 4-9-250B; and

vi. Buffer enhancement in the areas where the buffer is reduced shall be required on a case-by-case basis where appropriate to site conditions, wetland sensitivity, and proposed land development characteristics.

vii. Notification may be required pursuant to Subsection F8.

7. Wetlands – Native Growth Protection Areas: As a condition of any approval issued pursuant to this section for any development permit, the property owner shall be required to create a separate native growth protection area containing the areas determined to be wetland and/or wetland buffer in field investigations performed pursuant to subsections M4, Delineation of Regulatory Edge of Wetlands, and M5, Determination of Wetland Classification. Native growth protection areas shall be established pursuant to subsection E.4 of this Section.

8. Wetland Changes – Alternative Methods of Development: If wetland changes are proposed for a non-exempt activity, the applicant shall evaluate alternative methods of developing the property using the following criteria in this order and provide reasons why a less intrusive method of development is not feasible. In determining whether to grant permit approval per subsection M2 of this Section, General Standards for Permit Approval, the Reviewing Official shall make a determination as to whether the feasibility of less intrusive methods of development have been adequately evaluated and that less intrusive methods of development are not feasible:

a. Avoid any disturbances to the wetland or buffer;

b. Minimize any wetland or buffer impacts;

c. Restore any wetlands or buffer impacted or lost temporarily; and

d. Compensate for any permanent wetland or buffer impacts by one of the following methods:

i. Restoring a former wetland and provide buffers at a site once exhibiting wetland characteristics to compensate for wetlands lost;

ii. Creating new wetlands and buffers for those lost; and

iii. In addition to restoring or creating a wetland, enhancing an existing degraded wetland to compensate for lost functions and values.

9. Compensating for Wetlands Impacts:

a. Goal: The overall goal of any compensatory project shall be no net loss of wetland function and acreage and to strive for a net resource gain in wetlands over present conditions. The concept of “no net loss” means to create, restore and/or enhance a wetland so that there is no reduction to total wetland acreage and/or function.

b. Plan Requirements: The applicant shall develop a plan that provides for land acquisition, construction, maintenance and monitoring of replacement wetlands that recreate as nearly as possible the wetland being replaced in terms of acreage, function, geographic location and setting, and that are equal to or larger than the original wetlands.

c. Plan Performance Standards: Compensatory mitigation shall follow an approved mitigation plan pursuant to subsections M8 to M10 of this Section and shall meet the minimum performance standards in subsection 4-3-050.F.8.

d. Acceptable Mitigation – Permanent Wetland Impacts: Any person who alters regulated wetlands shall restore or create equivalent areas or greater areas of wetlands than those altered in order to compensate for wetland losses. Enhancement of wetlands may be provided as mitigation if it is conducted in conjunction with mitigation proposed to create or restore a wetland in order to maintain “no net loss” of wetland acreage. Subsections M10 through M12 provide further detail on wetland restoration, creation, and enhancement.

e. Restoration, Creation, or Combined Enhancement Required – Compensation for Permanent Wetland Impacts: As a condition of any permit allowing alteration of wetlands and/or wetland buffers, or as an enforcement action the City shall require that the applicant engage in the restoration or creation of wetlands and their buffers (or funding of these activities) in order to offset the impacts resulting from the applicant’s or violator’s actions. Enhancement in conjunction with restoration or creation may be allowed in order to offset the impacts resulting from an applicant’s actions. Enhancement is not allowed as compensation for a violator’s actions.

f. Compensating for Temporary Wetland Impacts: Where wetland disturbance has occurred during construction or other activities, see subsection C5f(iii) of this Section.

g. Mitigation Bank Agreement – Glacier Park Company: Pursuant to the Wetland Mitigation Bank Agreement between the City and the Glacier Park Company, King County recording number 9206241805, wetland alteration and wetland mitigation shall be conducted in accordance with the agreement.

10. Wetland Compensation – Restoration, Creation, and Enhancement: The applicant may propose a mitigation approach that includes restoration or creation solely or combines restoration or creation with enhancement. The City may require one mitigation approach in favor of another if it is determined that:

a. There is a greater probability of success in ensuring no net loss of wetlands acreage, functions, and values; and

b. The mitigation approach can be accomplished on-site rather than off-site.

11. Wetlands Creation and Restoration:

a. Creation or Restoration Proposals: Any applicant proposing to alter wetlands may propose to restore wetlands or create new wetlands, with priority first for on-site restoration or creation and then second, within the drainage basin, in order to compensate for wetland losses. Restoration activities must include restoring lost hydrologic, water quality and biologic functions.

b. Compliance with Goals: Applicants proposing to restore or create wetlands shall identify how the restoration or creation plan conforms to the purposes and requirements of this section and established regional goals of no net loss of wetlands.

c. Category: Where feasible, created or restored wetlands shall be a higher category than the altered wetland. In no cases shall they be lower, except as follows: For impacts to Category 1 shrub-scrub and emergent wetlands, if it is infeasible to create or restore a site to become a Category 1 wetland, the Administrator may allow for creation/restoration of high quality Category 2 wetlands at one hundred fifty percent (150%) of the normally required creation/replacement ratios of Category 1 shrub-scrub or emergent wetlands, within the basin.

d. Design Criteria: Requirements for wetland restoration or creation as compensation areas shall be determined according to the function, acreage, type and location of the wetland being replaced. Compensation requirements should also consider time factors, the ability of the project to be self-sustaining and the projected success based on similar projects. Wetland functions and values shall be calculated using the best professional judgment of a qualified wetland ecologist using the best available techniques. Multiple or cooperative compensation projects may be proposed for one project in order to best achieve the goal of no net loss. Restoration or creation must be within the same drainage basin.

e. Acreage Replacement Ratio: The ratios listed in subsections M11e(i), Ratios For Wetland Creation or Restoration, apply to all Category 1, 2, or 3 wetlands for restoration or creation which is in-kind, on- or off-site, timed prior to alteration, and has a high probability of success. The required ratio must be based on the wetland category and type that require replacement. Ratios are determined by the probability of recreating successfully the

wetland and the inability of guarantees of functionality, longevity, and duplication of type and/or functions.

| i. RATIOS FOR WETLANDS CREATION OR RESTORATION: | | |
|---|---|---|
| Wetland Category | Vegetation Type | Creation/Restoration Ratio |
| Category 1 | Forested<br>Scrub-shrub<br>Emergent | 6 times the area altered.<br>3 times the area altered.<br>2 times the area altered. |
| Category 2 | Forested<br>Scrub-shrub<br>Emergent | 3 times the area altered.<br>2 times the area altered.<br>1.5 times the area altered. |
| Category 3 | Forested<br>Scrub-shrub<br>Emergent | 1.5 times the area altered.<br>1.5 times the area altered.<br>1.5 times the area altered. |

f. Increased Creation/Restoration/Replacement Ratios: The Reviewing Official may increase the ratios under the following circumstances: uncertainty as to the probable success of the proposed restoration or creation; significant period of time between destruction and replication of wetland functions; projected losses in functional value; or off-site compensation. The requirement for an increased replacement ratio will be determined through SEPA review, except in the case of remedial actions resulting from illegal alterations where the Administrator or Environmental Review Committee may require increased wetland replacement ratios.

g. Decreased Creation/Restoration/Replacement Ratios:

i. Category 1: The Reviewing Official may decrease the ratios for Category 1 forested and scrub-shrub wetlands to 2.0 times the area altered, and to 1.5 times the area altered for emergent wetlands, provided the applicant has successfully replaced the wetland

prior to its filling and has shown that the replacement is successfully established for five (5) years.

ii. Category 2: The Reviewing Official may decrease the ratios for Category 2 forested and scrub-shrub wetlands to 1.5 times the area altered provided the applicant has successfully replaced the wetland prior to its filling and has shown that the replacement is successfully established for two (2) years. Ratios for Category 2 emergent wetlands may be reduced to 1.25 times the area altered provided the applicant has successfully replaced the wetland prior to its filling and has shown that the replacement is successfully established for two (2) years.

iii. Category 3:

(1) The Reviewing Official may decrease the ratios for Category 3 emergent wetlands to 1.0 times the area altered provided the applicant has successfully replaced the wetland prior to its filling and has shown that the replacement is successfully established for twelve (12) months. Ratios for Category 3 scrub-shrub and forested wetlands may be reduced to 1.25 times the area altered provided the applicant has successfully replaced the wetland prior to its filling and has shown that the replacement is successfully established for two (2) years.

(2) If the applicant can aggregate two (2) or more Category 3 wetlands, each less than ten thousand (10,000) square feet, into one wetland, the replacement ratio shall be reduced to 1:1. If the combined wetland would be rated as a Category 2 wetland as a result of the combination, the buffer requirement may be reduced to twenty five feet (25) minimum provided the buffer is enhanced.

h. Category 3 Replacement Option: The applicant, at his/her expense, may select to use accepted Federal or State methods to establish the functions and values for the Category 3 wetland being replaced in lieu of replacement by acreage only. A third party review, funded by the applicant, and hired and managed by the City, shall review and verify the reports. Dependent upon the results of the functions and values evaluation, a Category 3 wetland may be replaced by assuring that all the functions and values are replaced in another location, within the same basin.

i. Minimum Restoration/Creation Ratio: Unless allowed by subsection M11g of this Section, restoration or creation ratios may only be reduced by modification or variance pursuant to subsection N, Alternates, Modifications and Variances, and RMC 4-9-250B, Variance Procedures, and RMC 4-9-250D, Modification Procedures. In order to maintain no net loss of wetland acreage, in no case shall the restoration or creation ratio be less than 1:1. This minimum ratio may not be modified through the modification or variance process.

12. Wetland Enhancement:

a. Enhancement Proposals – Combined with Restoration and Creation: Any applicant proposing to alter wetlands may propose to enhance an existing degraded wetland, in conjunction with restoration or creation of a wetland in order to compensate for wetland losses. Wetland enhancement shall not be allowed as compensation if it is not accomplished in conjunction with a proposal to restore or create a wetland.

b. Evaluation Criteria: A wetland enhancement compensation project may be approved by the Reviewing Official provided that enhancement for one function will not degrade another function unless the enhancement would provide a higher functioning wetland with greater or multiple environmental benefits. For example, an enhancement may degrade

habitat for one wildlife species but overall it may result in a wetland that provides higher function to a wider variety of wildlife species. Wetland function assessment shall be conducted in conformance with accepted Federal or State methodologies.

c. Wetlands Chosen for Enhancement: An applicant proposing to alter wetlands may propose to enhance an existing Category 2 or 3 wetland. Existing Category 1 wetlands shall not be enhanced to compensate for wetland alteration unless the wetland selected for enhancement is a Category 1 wetland only by virtue of its acreage and three (3) vegetation classes, where the existing vegetation is characterized partly or wholly by invasive wetland species.

d. Mitigation Ratios: Wetland alterations shall be created, restored and enhanced using the formulas in subsection M12d(i), Ratios for Wetland Restoration or Creation plus Enhancement. The following is an example of use of the formulas below:

If one acre of Category 2, forested wetland, were proposed to be removed, the creation/replacement ratio (subsection M11e(i)) requires that three (3) acres of forested Category 2 wetland be restored or created; if wetland enhancement were proposed (subsection M12d(i)) for the Category 2, forested wetland, 1.5 acres of forested Category 2 wetland would have to be created/restored and two (2) acres of forested Category 2 wetland enhanced, possibly in a different part of the same wetland.

| i. RATIOS FOR WETLAND RESTORATION OR CREATION PLUS ENHANCEMENT | | | | |
|---|---|---|---|---|
| Wetland Category | Vegetation Type | Restoration or Creation Ratio | | Enhancement Ratio |
| Category 1 | Forested<br>Scrub-shrub<br>Emergent | 3 times the area altered<br>1.5 times the area altered<br>1 times the area altered | plus<br>plus<br>plus | 3.5 times the area altered<br>2 times the area altered<br>1.5 times the area altered |
| Category 2 | Forested<br>Scrub-shrub | 1.5 times the area altered<br>1 times the area altered | plus<br>plus | 2 times the area altered<br>1.5 times the area altered |

| i. RATIOS FOR WETLAND RESTORATION OR CREATION PLUS ENHANCEMENT | | | | |
|---|---|---|---|---|
| Wetland Category | Vegetation Type | Restoration or Creation Ratio | | Enhancement Ratio |
| | Emergent | 1 times the area altered | plus | 1 times the area altered |
| Category 3 | Forested<br>Scrub-shrub<br>Emergent | 1 times the area altered<br>1 times the area altered<br>1 times the area altered | plus<br>plus<br>plus | 1 times the area altered<br>1 times the area altered<br>1 times the area altered |

e. Ratio Modification and Minimum Restoration/Creation Ratio:

i. An applicant may propose an increased creation or restoration ratio and a decreased enhancement ratio if the total combined ratio is maintained overall. Restoration/creation or enhancement ratios shown in subsection M12d of this Section may only be reduced by modification or variance pursuant to subsection N3, Alternatives, Modifications and Variances, and RMC 4-9-250B, Variance Procedures, and RMC 4-9-250D, Modification Procedures. In order to maintain no net loss of wetland acreage, in no case shall the restoration or creation ratio be less than 1:1. This minimum ratio may not be modified through the variance process.

ii. The Reviewing Official may increase the ratios under the following circumstances: uncertainty as to the probable success of the proposed restoration or creation or enhancement proposal; significant period of time between destruction and replication of wetland functions; projected losses in functional value; or off-site compensation. The requirement for an increased mitigation ratio will be determined through SEPA review, except in the case of remedial actions resulting from illegal alterations where the Administrator or Environmental Review Committee may require increased mitigation ratios.

13. Out-of-Kind Replacement: Out-of-kind replacement may be used in place of in-kind compensation only where the applicant can demonstrate to the satisfaction of the Reviewing Official that:

a. The wetland system is already significantly degraded and out-of-kind replacement will result in a wetland with greater functional value; or

b. Scientific problems such as exotic vegetation and changes in watershed hydrology make implementation of in-kind compensation impossible or unacceptable; or

c. Out-of-kind replacement will best meet identified regional goals (e.g., replacement of historically diminished wetland types).

14. Off-Site Compensation:

a. When Permitted: Off-site compensation may be provided in lieu of on-site compensation only where the applicant can demonstrate to the satisfaction of the Responsible Official that:

i. The hydrology and ecosystem of the original wetland and those abutting or adjacent land and/or wetlands which benefit from the hydrology and ecosystem will not be substantially damaged by the on-site loss; and

ii. On-site compensation is not feasible due to problems with hydrology, soils, or other factors; or

iii. Compensation is not practical due to potentially adverse impact from surrounding land uses; or

iv. The proposed wetland functions at the mitigation site are significantly greater than the wetland functions that could be reasonably achieved with on-site

mitigation, and there is no significant loss of function on-site, i.e. at the development project site; or

v. Established regional goals for flood storage, flood conveyance, habitat or other wetland functions have been addressed and strongly justify location of compensatory measures at another site.

b. Locations: Any off-site compensation shall follow the preferences in "i" to "iii" below. Basins and subbasins are indicated in 4-3-050.Q, Maps:

i. Off-site mitigation within same drainage subbasin as subject site: Off-site mitigation may be allowed when located within the same drainage subbasin as the subject site subject to criteria in M.14.a above;

ii. Off-site mitigation within same drainage basin within City limits: Off-site mitigation may be allowed when located within the same drainage basin within the Renton City limits if it achieves equal or improved ecological functions within the City over mitigation within the same drainage subbasin as the project, and shall be subject to criteria in M.14.a above;

iii. Off-site mitigation within the same drainage basin outside the City limits: Off-site mitigation may be allowed when located within the same drainage basin outside the Renton City limits if it achieves equal or improved ecological functions over mitigation within the same drainage basin within the Renton City limits and it meets City goals, and shall be subject to criteria in M.14.a above.

c. Siting Recommendations: In selecting compensation sites, the City encourages applicants to pursue siting compensation projects in disturbed sites which were

formerly wetlands, and especially those areas which would result in a series of interconnected wetlands.

d. Timing: Compensatory projects shall be substantially completed and approved by the City prior to the issuance of an occupancy permit. Construction of compensation projects shall be timed to reduce impacts to existing wildlife and flora. The Reviewing Official may elect to require a surety device for completion of construction.

15. Cooperative Wetland Compensation: Mitigation Banks or Special Area Management Programs (SAMP):

a. Applicability: The City encourages, and will facilitate and approve cooperative projects wherein a single applicant or other organization with demonstrated capability may undertake a compensation project under the following circumstances:

i. Restoration or creation on-site may not be feasible due to problems with hydrology, soils, or other factors; or

ii. Where the cooperative plan is shown to better meet established regional goals for flood storage, flood conveyance, habitat or other wetland functions.

b. Process: Applicants proposing a cooperative compensation project shall:

i. Submit a permit application;

ii. Demonstrate compliance with all standards;

iii. Demonstrate that long-term management will be provided; and

iv. Demonstrate agreement for the project from all affected property owners of record.

c. Mitigation Banks: Mitigation banks are defined as sites which may be used for restoration, creation and/or mitigation of wetland alternatives from a different piece of property than the property to be altered within the same drainage basin. The City of Renton maintains a mitigation bank. A list of City mitigation bank sites is maintained by the Planning/Building/Public Works Department. With the approval of the Planning/Building/Public Works Department, non-City-controlled mitigation banks may be established and utilized.

d. Special Area Management Programs: Special area management programs are those wetland programs agreed upon through an interjurisdictional planning process involving the U.S. Army Corps of Engineers, the Washington State Department of Ecology, any affected counties and/or cities, private property owners and other parties of interest. The outcome of the process is a regional wetlands permit representing a plan of action for all wetlands within the special area.

e. Compensation Payments to Mitigation Bank: Compensation payments, amount to be determined by the Reviewing Official, received as part of a mitigation or creation bank must be received prior to the issuance of an occupancy permit.

16. Mitigation Plans:

a. Required for Restoration, Creation and Enhancement Projects: All wetland restoration, creation, and enhancement in conjunction with restoration and creation projects required pursuant to this section either as a permit condition or as the result of an enforcement action shall follow a mitigation plan prepared by qualified wetland specialists approved by the City.

b. Timing for Mitigation Plan Submittal and Commencement of any Work: See subsection F.8.

c. Content of Mitigation Plan: Unless the City, in consultation with qualified wetland specialists, determines, based on the size and scope of the development proposal, the nature of the impacted wetland and the degree of cumulative impacts on the wetland from other development proposals, that the scope and specific requirements of the mitigation plan may be reduced, the mitigation plan shall address all requirements in RMC 4-8-120D23, Wetland Mitigation Plan and RMC 4-3-050F8.

d. Performance Surety: As a condition of approval of any mitigation plan, the Reviewing Official shall require a performance surety per RMC 4-1-230 and RMC 4-3-050.G.

N. ALTERNATES, MODIFICATIONS AND VARIANCES:

1. Alternates:

a. Applicability: See RMC 4-9-250E.

2. Modifications:

a. Applicability: The Department Administrator may grant modifications, per RMC 4-9-250D1, Application Time and Decision Authority, in the following circumstances:

i. Aquifer Protection – Modifications: The Department will consider modification applications in the following cases:

(a) The request is to find that a standard is inapplicable to that activity, facility, or development permit due to the applicant's proposed methods or location; or

(b) The request is to modify a specific standard or regulation due to practical difficulties; and

(c) The request meets the intent and purpose of the aquifer protection regulations.

Based upon application of the above tests (a), (b), and (c), applications which are considered appropriate for review as modifications are subject to the procedures and criteria in RMC 4-9-250D, Modification Procedures. Requests to modify regulations or standards which do not meet the above tests shall be processed as variances.

(d) In addition to the criteria of RMC 4-9-250D, Modification Procedures, the following criteria shall apply: The proposed modification is based on consideration of the best available science as described in WAC 365-195-905; or where there is an absence of valid scientific information, the steps in RMC 4-9-250F are followed.

ii. Geologic Hazards – Modifications: An applicant may request that the Administrator grant a modification to allow:

(a) Regrading of any slope which was created through previous mineral and natural resource recovery activities or was created prior to adoption of applicable mineral and natural resource recovery regulations or through public or private road installation or widening and related transportation improvements, railroad track installation or improvement, or public or private utility installation activities;

(b) Filling against the toe of a natural rock wall or rock wall created through mineral and natural resource recovery activities or through public or private road installation or widening and related transportation improvements, railroad track installation or improvement or public or private utility installation activities; and/or

(c) Grading to the extent that it eliminates all or portions of a mound or to allow reconfiguration of protected slopes created through mineral and natural

resource recovery activities or public or private road installation or widening and related transportation improvements, railroad track installation or improvement, or public or private utility installation activities.

The following procedures shall apply to any of the above activities:

(a) The applicant shall submit a geotechnical report describing any potential impacts of the proposed regrading and any necessary mitigation measures;

(b) All submitted reports shall be independently reviewed by qualified specialists selected by the City at the applicant's expense;

(c) The Department Administrator may grant, condition, or deny the request based upon the proposal's compliance with the applicable modification criteria of RMC 4-9-250D; and

(d) Any slope which remains forty percent (40%) or steeper following site development shall be subject to all applicable geologic hazard regulations for steep slopes and landslide hazards, in this section.

(e) In addition to the criteria of RMC 4-9-250D, Modification Procedures, the following criteria shall apply: The proposed modification is based on consideration of the best available science as described in WAC 365-195-905; or where there is an absence of valid scientific information, the steps in RMC 4-9-250F are followed.

iii. Wetlands – Modifications: An applicant may request that the Administrator grant a modification as follows:

(a) Modifications may be requested for a reduction in creation/restoration or enhancement ratios for a Category 3 wetland; however, the creation/restoration ratio shall not be reduced below 1:1.

(b) In addition to the criteria of RMC 4-9-250D, Modification Procedures, the following criteria shall apply:

(i) The proposal will result in no-net loss of wetland or buffer area and functions.

(ii) The proposed modification is based on consideration of the best available science as described in WAC 365-195-905; or where there is an absence of valid scientific information, the steps in RMC 4-9-250F are followed.

iv. Streams – Modifications: An applicant may request that the Administrator grant a modification as follows:

(a) Modifications may be requested for a reduction in stream buffers for Class 2 or 3 watercourses proposed to be daylighted, below the stream buffer reduction levels of 4-3-050.L.5.c.

(b) In addition to the criteria of RMC 4-9-250D, Modification Procedures, the following criteria shall apply:

(i) The buffer is lowered only to the amount necessary to achieve the same amount of development as without the daylighting.

(ii) The buffer width is no less than 50 feet on a Class 2 watercourse and 25 feet on a Class 3 watercourse.

(iii) The proposed modification is based on consideration of the best available science as described in WAC 365-195-905; or where there is an absence of valid scientific information, the steps in RMC 4-9-250F are followed.

3. Variances:

a. Aquifer Protection – Variance:

i. Applicability: If an applicant feels that the strict application of this Section would deny all reasonable use of the property or would deny installation of public transportation or utility facilities determined by the public agency proposing these facilities to be in the best interest of the public health, safety and welfare, the applicant of a development proposal may apply for a variance.

ii. Application Submittal: An application for a variance shall be filed with the Development Services Division.

iii. Review Authority: A variance shall be decided by the Hearing Examiner based on the standards set forth RMC 4-9-250B, Variance Procedures.

b. Flood Hazards – Variances:

i. Applicability: Refer to RMC 4-9-250B.

c. Geologic Hazards, Habitat Conservation, Streams and Lakes – Classes 2 to 4, and Wetlands – Variance:

i. Applicability: If an applicant feels that the strict application of this section would deny all reasonable use of the property containing a critical area or associated buffer, or would deny installation of public transportation or utility facilities determined by the agency proposing these facilities to be in the best interest of the public health, safety and welfare,

the public agency or an applicant of a development proposal may apply for a critical area variance.

ii. Application Submittal: An application for a critical areas variance shall be filed with the Development Services Division.

iii. Review Authority: Variances shall be determined administratively by the Department Administrator, or by the Hearing Examiner, as indicated in RMC 4-9-250B.

O. APPEALS:

1. General: See RMC 4-8-070, Authority and Responsibilities, and RMC 4-8-110.

2. Record Required – Flood Hazards: The Department Administrator or his/her designee, the Building Official, shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

P. ASSESSMENT RELIEF – WETLANDS:

1. City Assessments: Such landowner should also be exempted from all special City assessments on the controlled wetland to defray the cost of Municipal improvements such as sanitary sewers, storm sewers, water mains and streets.

Q. MAPS:

1. Aquifer Protection: See Figure 4-3-050Q1 for reference map.

2. Flood Hazards: see Figure 4-3-050Q2 for reference map.

3. Geologic Hazards:

a. Coal Mine Hazards:

i. Map: See Figure 4-3-050Q3a(i) for reference map.

ii. Mapping Criteria:

(1) Low Coal Mine Hazards (CL): Areas not identified as high or medium hazards. While no mines are known in these areas, undocumented mining is known to have occurred.

(2) Medium Coal Mine Hazards (CM):

(A) Lands overlying coal mines, but not included in the high hazard category; and

(B) Surrounding lands overlying a wedge between a plane rising vertically from the mine and a plane rising from the mine at a break angle of between twenty five (25) and forty (40) degrees. The break angle is measured from the vertical. The break angle appropriate for the given seam is determined by the slope of the seam and the workings. Approximate mine depths and seam dip and break angles are provided in Appendices C and D of the Summary Report, Critical and Resource Areas Evaluation, GeoEngineers, 1991.

(3) High Coal Mine Hazard (CH): All lands where underlying coal mines are within two hundred feet (200) below the ground surface, or fifteen (15) times the height of the mine workings below the surface, whichever is less.

b. Erosion Hazards:

i. Map: See Figure 4-3-050Q3b(i) for reference map.

ii. Mapping Criteria:

(1) Low Erosion Hazard (EL): All surface soils on slopes less than fifteen percent (15%). Mapped areas include all Natural Resource Conservation Service (formerly U.S. Soil Conservation Service) soils designated A, B, or C.

(2) High Erosion Hazard (EH): All surface soils on slopes steeper than fifteen percent (15%). Mapped areas include all Natural Resource Conservation Service (formerly U.S. Soil Conservation Service) soils designated as D, E, or F.

c. Landslide Hazards:

i. Map: See Figure 4-3-050Q3c(i) for reference map.

ii. Mapping Criteria:

(1) Low Landslide Hazard (LL): Areas with slopes less than fifteen percent (15%).

(2) Medium Landslide Hazard (LM): areas with slopes between fifteen percent (15%) and forty percent (40%) where the surface soils are underlain by permeable geologic units. The permeable units include:

(A) Fill: af, afm, and m;

(B) Alluvium: Qac, Qaw, Qas, and Qa;

(C) Vashon recessional and advance glacial deposits: Qik, Qit, Qiv, Qpa, Qis, Qys, Qyg, Qvr, Qsr, and Qos;

(D) Vashon glacial deposits: Qg, Qgt, Qt, and Qvt.

(3) High Landslide Hazards (LH): Areas with slopes greater than forty percent (40%) and areas with slopes between fifteen percent (15%) and forty percent (40%) where the surface soils are underlain by low permeability geologic units. The low permeability units include:

(A) Post-glacial lake and peat silts: Qlp, Qp, Qlm, and Qvl;

(B) Pre-Vashon Pleistocene deposits: Qss, Qu, Qc, Qcg, and Qog;

(C) Tertiary rock formations: Ts, Ti, Tr, Tt, Tet, Ttu, Tta, Teta, and Ttl.

(4) Very High Landslide Hazards (LV): All mapped landslide deposits: Qmc, Qm, Ql, and landslides known from public records.

d. Seismic:

i. Map: See Figure 4-3-050Q3d(i) for reference map.

ii. Mapping Criteria:

(1) Low Seismic Hazard (SL): All Vashon age glacial and older sediments. The mapped areas include:

(A) All deposits of recessional and advance glacial deposits: Qik, Qit, Qiv, Qpa, Qis, Qys, Qyg, Qur, Qsr, Qos, Qog.

(B) Vashon glacial deposits: Qg, Qgt, Qt, and Qvt;

(C) Pre-Vashon Pleistocene deposits: Qss, Qu, Qc, and Qcg;

(D) Tertiary rock formations: Ts, Ti, Tr, Tt, Tet, Ttu, Tta, Teta, and Ttl;

(E) Areas of roadway fill, af and afm, which overly the above units.

(2) High Seismic Hazard (SH): Post-glacial deposits which are likely to be saturated as they occupy low areas and frequently overlay low permeability deposits. They include:

(A) Deposits of fill: af, afm, and m;

(B) Alluvium: Qaw, Qac, Qas, and Qa;

(C) Mass wasting deposits: Qmc, Qm, and Ql;

(D) Post-glacial lake silts and peats: Qlp, Qp, Qlm, and Qvl.

e. Steep Slopes:

i. Map: Refer to the City of Renton Steep Slope Atlas and Figure 4-3-050Q3e(i) for reference map.

f. Volcanic Hazards: Volcanic hazard areas are those areas subject to a potential for inundation from post lahar sedimentation along the lower Green River as identified in Plate II, Map D, in the report U.S. Department of the Interior, U.S. Geological Survey (Revised 1998). *Volcano Hazards from Mount Rainier, Washington*. Open-File Report 98-428.

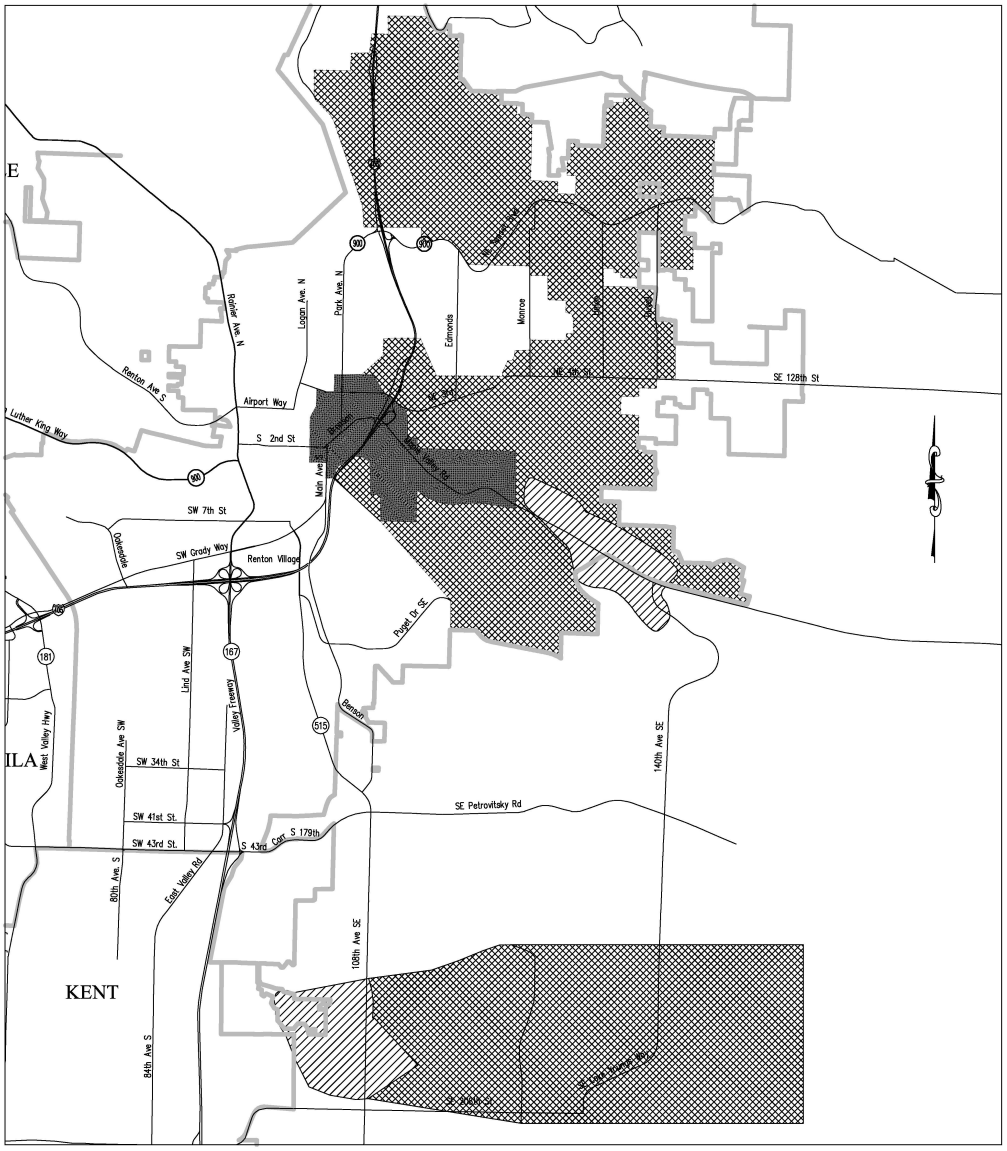
4. Streams and Lakes: See Figure 4-3-050.Q.4 for reference map identifying Class 2 to 4 water bodies. Water class shall be determined in accordance with RMC 4-3-050.L.1. For Class 1 waters, refer to RMC 4-3-090, Shoreline Master Program Regulations.

5. Wetlands: Refer to the City of Renton Wetland and Stream Corridors Critical Areas Inventory and see Figure 4-3-050Q5 for reference map.

6. Drainage Basins: See Figure 4-3-050.Q.6 a and b for a map identifying basins and subbasins in the Renton vicinity.

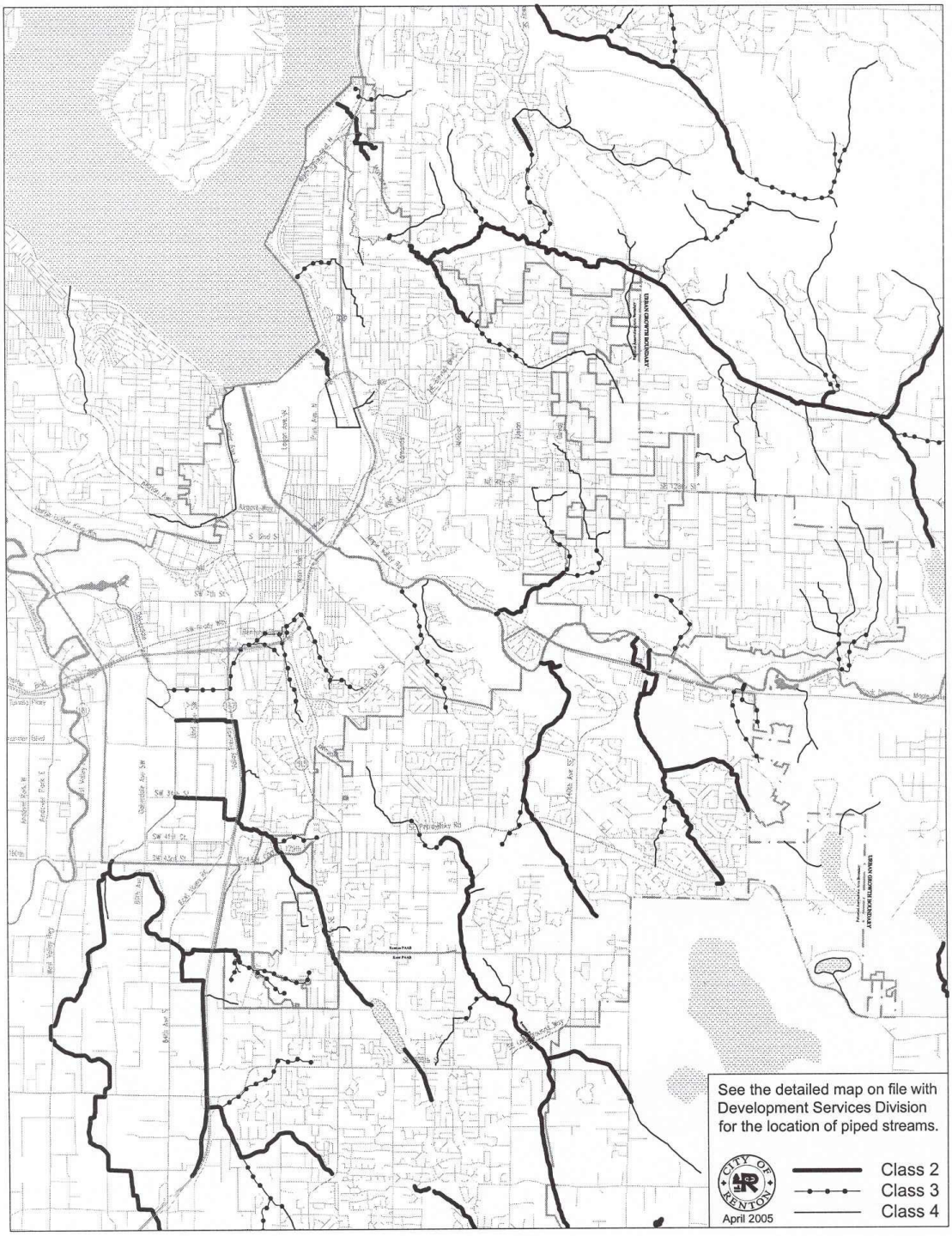
**SECTION III.** Figure 4-3-050.Q.1 of Chapter 3, Environmental Regulations and Special Districts, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton,Washington" is hereby replaced with the following figure:

FIGURE 4-3-050Q1
AQUIFER PROTECTION ZONES

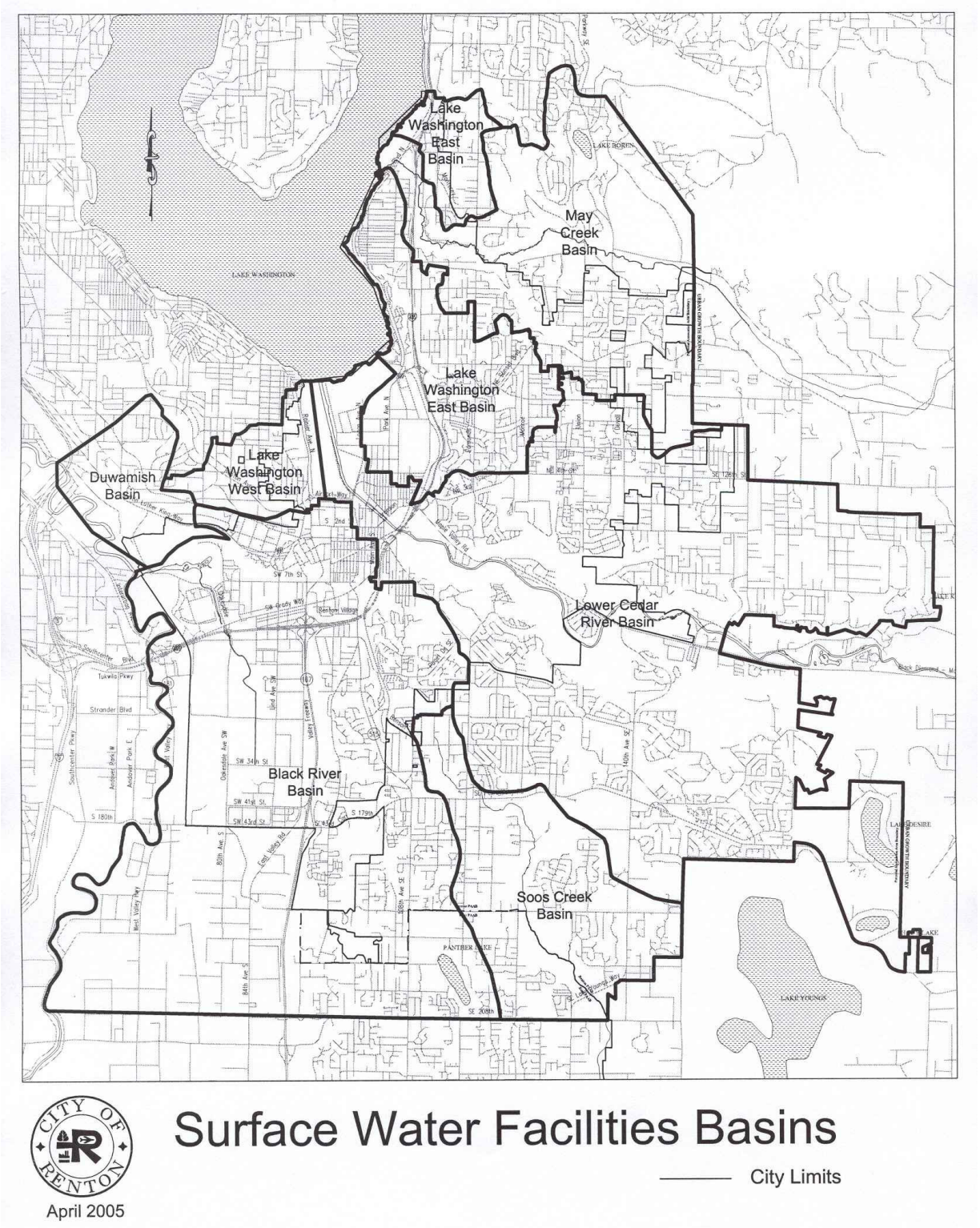


**SECTION IV.** Figure 4-3-050.Q.4 of Chapter 3, Environmental Regulations and Special Districts, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton,Washington" is hereby added, to read as follows:

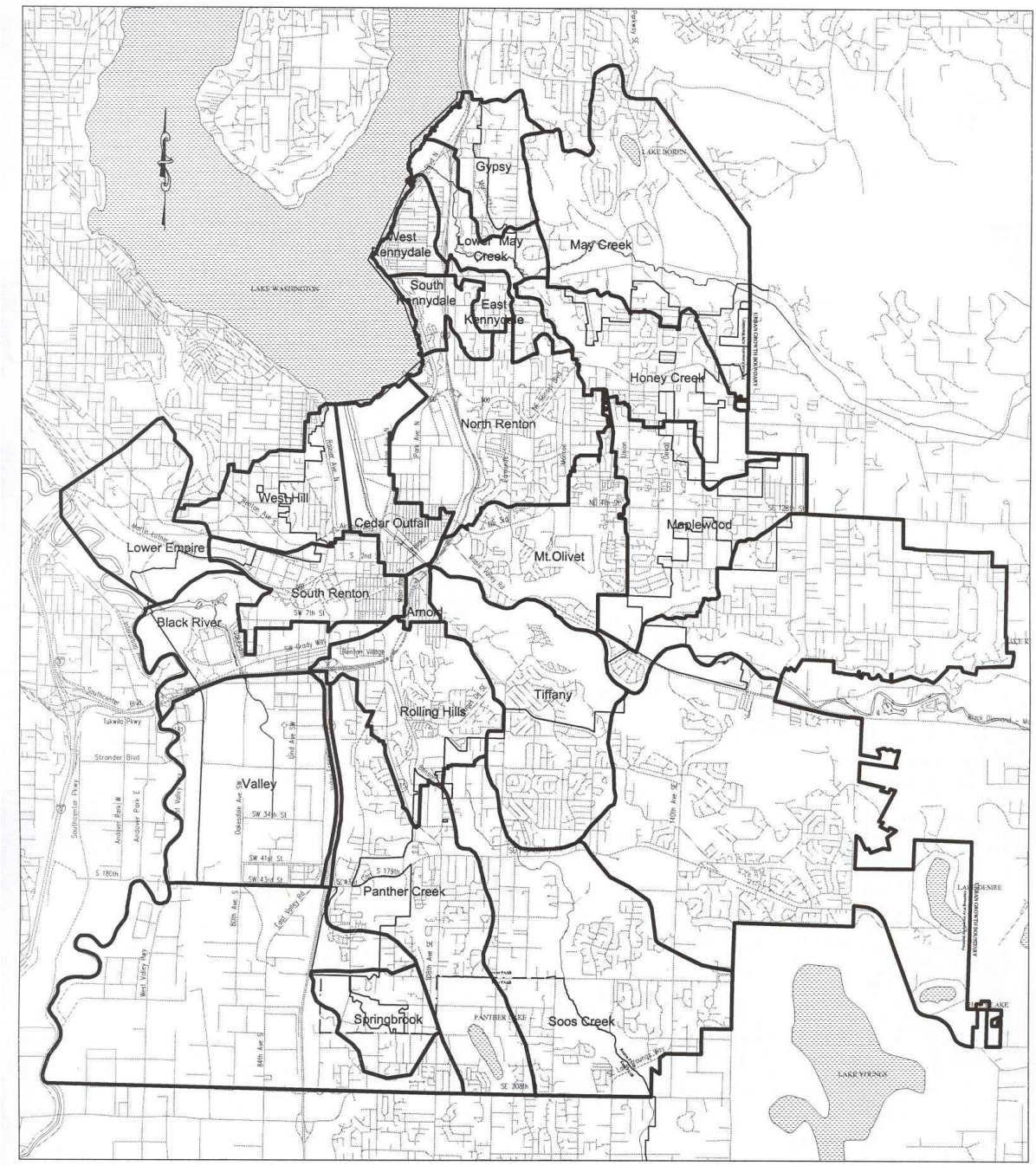
Streams and Lakes
Figure 4-3-050.Q.4



**SECTION V.** Figure 4-3-050.Q.6.a and Q.6.b of Chapter 3, Environmental Regulations and Special Districts, of Title IV (Development Regulations) of Ordinance No. 4260 entitled “Code of General Ordinances of the City of Renton,Washington” is hereby added to read as follows:


Lake Washington East Basin
May Creek Basin
Lake Washington East Basin
Lake Washington West Basin
Duwamish Basin
Lower Cedar River Basin
Black River Basin
Soos Creek Basin
LAKE WASHINGTON
LAKE BOREN
LAKE YOUNGS
Surface Water Facilities Basins
City Limits
CITY OF RENTON
April 2005

4-3-050.Q.6.a




CITY OF RENTON

April 2005

# Surface Water Facilities Sub-Basins

——— City Limits

4-3-050.Q.6.b

**SECTION VI.** Section 4-4-130 of Chapter 4, Citywide Property Development Standards, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" is hereby amended to read as follows:

4-4-130 TREE CUTTING AND LAND CLEARING REGULATIONS:

A. PURPOSE:

This Section provides regulations for the clearing of land and the protection and preservation of trees and associated significant vegetation. The purposes of these regulations are to:

1. Preserve and enhance the City's physical and aesthetic character by minimizing indiscriminate removal or destruction of trees and ground cover;

2. Implement and further the goals and policies of the City's Comprehensive Plan for the environment, open space, wildlife habitat, vegetation, resources, surface drainage, watersheds, and economics;

3. Promote building and site planning practices that are consistent with the City's natural topographical and vegetative features while at the same time recognizing that certain factors such as condition (e.g., disease, danger of falling, etc.), proximity to existing and proposed structures and improvements, interference with utility services, protection of scenic views, and the realization of a reasonable enjoyment of property may require the removal of certain trees and ground cover;

4. Ensure prompt development, restoration and replanting, and effective erosion control of property during and after land clearing;

5. Promote land development practices that result in minimal adverse disturbance to existing vegetation and soils within the City;

6. Minimize surface water and groundwater runoff and diversion, and aid in the stabilization of soil, and to minimize erosion and sedimentation, and minimize the need for additional storm drainage facilities caused by the destabilization of soils;

7. Retain clusters of trees for the abatement of noise and for wind protection; and

8. Recognize that trees and ground cover reduce air pollution by producing pure oxygen from carbon dioxide.

B. APPLICABILITY:

The regulations of this Section apply to any developed, partially developed, or undeveloped property where land development or routine vegetation management activities are undertaken.

C. EXEMPTIONS:

The following activities are exempt from routine vegetation management permit requirements, and may be authorized without an associated land development permit; however, the activities must be conducted in accordance with stated requirements:

1. Emergency Situations: Removal of trees and/or ground cover by the City and/or public or private utility in emergency situations involving immediate danger to life or property, substantial fire hazards, or interruption of services provided by a utility.

2. Dead, Dangerous, or Diseased Trees: Removal of dead, terminally diseased, and/or damaged, ground cover or trees which have been certified as hazard trees by a forester, registered landscape architect, or certified arborist, selection of which to be approved by the City based on the type of information required, or the City prior to their removal.

3. Maintenance Activities/Essential Tree Removal – Public or Private Utilities, Roads and Public Parks: Maintenance activities including routine vegetation management and

essential tree removal for public and private utilities, road rights-of-way and easements, and public parks.

4. Installation of SEPA Exempt Public or Private Utilities: Installation of distribution lines by public and private utilities provided that such activities are categorically exempt from the provisions of the State Environmental Policy Act and RMC 4-9-070, Environmental Review Procedures.

5. Existing and Ongoing Agricultural Activities: Clearing associated with existing and ongoing agricultural activities as defined in chapter 4-11 RMC, Definitions.

6. Commercial Nurseries or Tree Farms: Clearing or cutting of only those trees that are planted and growing on the premises of a licensed retailer or wholesaler.

7. Public Road Expansion: Expansion of public roads, unless critical areas would be affected, in which case see C12 and C13.

8. Site Investigative Work: Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests, and other related activities including the use of mechanical equipment to perform site investigative work provided the work is conducted in accordance with the following requirements.

a. Investigative work should not disturb any more than five percent (5%) of any protected sensitive area described in subsection D2 of this Section, Restrictions for Critical Areas, on the subject property. In every case impacts shall be minimized and disturbed areas restored.

b. In every location where site investigative work is conducted, disturbed areas shall be minimized, and immediately restored.

c. A notice shall be posted on the site by the property owner or owner's agent indicating that site investigative work is being conducted, and that the work must minimize disturbance to the critical areas identified in subsection D2 of this Section, Restrictions for Critical Areas.

d. No site investigative work shall commence without first notifying the Director or designee in advance.

9. Allowable Minor Tree Cutting Activities: Tree cutting and associated use of mechanical equipment is permitted as follows, except as provided in subsection D2 of this Section, Restrictions for Critical Areas:

a. On a developed lot or on a partially developed lot less than one-half (1/2) of an acre any number of trees may be removed;

b. On a partially developed lot one-half (1/2) of an acre and greater or on an undeveloped lot provided that:

i. No more than three (3) trees are removed in any twelve (12) month period from a property under thirty five thousand (35,000) square feet in size; and

ii. No more than six (6) trees are removed in any twelve (12) month period from a property thirty five thousand (35,000) square feet and greater in size.

iii. Rights-of-Way Unobstructed: In conducting minor tree cutting activities, rights-of-way shall not be obstructed.

10. Landscaping or Gardening Permitted: Land clearing in conformance with the provisions of subsection C9 of this Section, Allowable Tree Cutting Activities, and subsection D2, Restrictions for Critical Areas, is permitted on a developed lot for purposes of landscaping or gardening. Land clearing in conformance with the provisions of subsection C9, Allowable

Minor Tree Cutting Activities, and subsection D2, Restrictions for Critical Areas, is permitted on a partially developed or undeveloped lot for purposes of landscaping or gardening provided that no mechanical equipment is used.

11. Operational Mining/Quarrying: Land clearing and tree cutting associated with previously approved, operational mining and quarrying activities.

12. Modification of Existing Utilities and Streets (not otherwise exempted by RMC 4-3-050C7) by Ten Percent (10%) or Less: See RMC 4-3-050.C for conditions.

13. Utilities, Traffic Control, Walkways, Bikeways Within Existing, Improved Right-of-Way or Easements: Within existing improved public road rights-of-way or easements, installation, construction, replacement, operation, overbuilding, or alteration of all natural gas, cable, communication, telephone and electric facilities, lines pipes, mains, equipment or appurtenances, traffic control devices, illumination, walkways and bikeways. If activities exceed the existing improved area or the public right-of-way, this exemption does not apply. Where applicable, restoration of disturbed areas shall be completed.

D. PROHIBITED ACTIVITIES:

1. Prohibited Activities: There shall be no tree cutting or land clearing on any site for the sake of preparing that site for future development unless a land development permit for the site has been approved by the City.

2. Restrictions for Critical Areas – General: Unless exempted by critical areas, Section 4-3-050.C.5 or Shoreline Master Program Regulations, Section 4-3-090, no tree cutting, or land clearing, or groundcover management is permitted:

a. On portions of property with protected critical habitats, per RMC 4-3-050.K; streams and lakes, per RMC 4-3-050.L; Shorelines of the State, per RMC 4-3-090,

Renton Shoreline Master Program Regulations; and wetlands, per RMC 4-3-050.M; and their associated buffers;

b. On protected slopes except as allowed in this Section or in the Critical Areas Regulation, RMC 4-3-050; or

c. Areas classified as very high landslide hazards, except as allowed in this Section or in the Critical Areas Regulations, RMC 4-3-050.

Buffer requirements shall be consistent with the critical area regulations. Tree cutting or land clearing shall be consistent with established Native Growth Protection Area requirements of RMC 4-3-050E.4.

3. Restrictions for Native Growth Protection Areas: Tree cutting or land clearing shall be consistent with established Native Growth Protection Area requirements of RMC 4-3-050E.4.

E. AUTHORITY AND INTERPRETATION:

The City's Development Services Division Director, or his duly authorized representative, is hereby authorized and directed to interpret and enforce all the provisions of this Section.

F. PERMITS REQUIRED:

1. Land Development Permit: An approved land development permit is required in order to conduct tree cutting or land clearing on any site for the sake of preparing that site for future development.

2. Permit Required for Routine Vegetation Management on Undeveloped Properties: Any person who performs routine vegetation management on undeveloped property in the City must obtain a routine vegetation management permit prior to performing such work.

3. Permit Required to Use Mechanical Equipment: Except where use of mechanical equipment is specifically listed as exempt, any person who uses mechanical equipment for routine vegetation management, land clearing, tree cutting, landscaping, or gardening on developed, partially developed or undeveloped property must obtain a routine vegetation management permit prior to performing such work.

4. Timber Stand Maintenance – Conditional Use Permit Required: While timber harvesting shall not be permitted until such time as a valid land development is approved, a request may be made for maintenance and thinning of existing timber stands to promote the overall health and growth of the stand. Permits allowing maintenance and thinning beyond the limits allowed in subsections subsection C9 of this Section, Allowable Minor Tree Cutting Activities, shall be considered as a conditional use permit, by the Hearing Examiner according to the following criteria in lieu of standard conditional use permit criteria:

a. Appropriate approvals have been sought and obtained with the State Department of Natural Resources; and

b. The activity shall improve the health and growth of the stand and maintain long-term alternatives for preservation of trees; and

c. The activity shall meet the provisions of subsections H2, Applicability, Performance Standards, and Alternates, and H3, General Review Criteria, of this Section; and

d. Thinning activities shall be limited to less than forty percent (40%) of the volume and trees.

5. Tree Cutting – Solar Access or Pasture Land: A routine vegetation management permit is required for tree cutting in greater amounts than specified under partially exempt actions in subsection C9 of this Section, Allowable Minor Tree Cutting Activities, for any

property where tree cutting is proposed without an associated land development permit. A routine vegetation management permit may be issued allowing tree cutting only in the following cases:

a. For purposes of allowing solar access to existing structures; or

b. To create pasture land where agricultural activities are permitted uses in the zone.

Any tree cutting activities shall be the minimum necessary to accomplish the purpose, and shall be consistent with subsection D2 of this Section, Restrictions for Critical Areas.

G. ROUTINE VEGETATION MANAGEMENT PERMIT REVIEW PROCESS:

Permits for routine vegetation management shall be processed consistent with RMC 4-9-195, Routine Vegetation Management Permits.

H. PERFORMANCE STANDARDS FOR LAND DEVELOPMENT/BUILDING PERMITS:

1. Plan Required: When a development permit is submitted to the City it shall be accompanied by a tree cutting and land clearing plan. Where it is not practicable to retain all trees on site due to the proposed development, the plan shall identify trees that are proposed for removal. Where the drip line of a tree overlaps an area where construction activities will occur, this shall be indicated on the plan. Trees shall be shown on the plan as follows:

a. For allowed activities, including allowed exemptions, modifications, and variances, show all trees proposed to be cut in priority tree retention areas: slopes twenty five percent (25% to 39%), high or very high landslide hazard areas, and high erosion hazard areas.

b. Show trees to be cut in protected critical areas: wetlands, shorelines of the state, streams and lakes, floodways, floodplain slopes forty percent (40%) or greater, very high landslide hazard areas, and critical habitat if the activity is exempt or allowed by the critical areas regulations in RMC 4-3-050C5, Specific Exemptions.

c. Show all trees to be retained in critical area buffers.

d. Show trees proposed to be cut within required zoning setbacks along perimeter of development.

e. In all other areas of the site, trees to be cut may be indicated generally with clearing limit lines.

2. Applicability, Performance Standards and Alternates: All land clearing and tree cutting activities shall conform to the criteria and performance standards set forth in this Section unless otherwise recommended in an approved soil engineering, engineering geology, hydrology or forest management plan or arborist report and where the alternate procedures will be equal to or superior in achieving the policies of this Section. All land clearing and tree cutting activities may be conditioned to ensure that the standards, criteria, and purpose of this Section are met.

3. General Review Criteria: All land clearing and tree cutting activities shall meet the following criteria:

a. The land clearing and tree cutting will not create or significantly contribute to landslides, accelerated soil creep, settlement and subsidence or hazards associated with strong ground motion and soil liquefaction.

b. The land clearing and tree cutting will not create or significantly contribute to flooding, erosion, increased turbidity, siltation, or other forms of pollution in a watercourse.

c. Land clearing and tree cutting will be conducted to maintain or provide visual screening and buffering between land uses of differing intensity, consistent with applicable landscaping and setback provisions of the Renton Municipal Code.

d. Land clearing and tree cutting shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time, consistent with an approved build-out schedule and including any necessary erosion control measures.

e. Land clearing and tree cutting shall be consistent with subsection D2 of this Section, Restrictions for Critical Areas, and RMC 4-3-050, Critical Areas Regulations.

4. Tree Preservation: Trees shall be maintained to the maximum extent feasible on the property where they are growing.

a. Ability to Condition Plan: The City may require a modification of the land clearing and tree cutting plan or the associated land development plan to ensure the retention of the maximum number of trees.

b. Clearing – Conditions of Approval: The Department Administrator or designee may condition a proposal to restrict clearing outside of building sites, rights-of-way, utility lines and easements, to require sequencing and phasing of construction, or other measures, consistent with the permitted density and intensity of the zone.

5. Timing: The City may restrict the timing of the land clearing and tree cutting activities to specific dates and/or seasons when such restrictions are necessary for the public health, safety and welfare, or for the protection of the environment.

6. Restrictions for Critical Areas: See subsection D2 of this Section, Restrictions for Critical Areas – General and RMC 4-3-050, Critical Areas Regulations.

7. Tree/Ground Cover Retention: The following measures may be used by the Department Administrator or designee in conditioning a land development permit or building permit proposal per subsection H4 of this Section, Tree Preservation, to comply with the general review criteria of subsection H3.

a. Trees shall be maintained to the maximum extent feasible on the property where they are growing.

b. The City may require and/or allow the applicant to relocate or replace trees, provide interim erosion control, hydroseed exposed soils, or other similar conditions which would implement the intent of this Section.

c. Priority shall be given to retention of trees on sensitive slopes and on lands classified as having high or very high landslide hazards, or high erosion hazards as classified in the critical areas regulations.

d. Where feasible, trees that shelter interior trees or trees on abutting properties from strong winds that could otherwise cause them to blow down should be retained.

e. Except in critical areas unless enhancement activities are being performed, the removal of trees on the following list should be allowed in order to avoid invasive root systems, weak wood prone to breakage, or varieties that tend to harbor insect pests:

i. All Populus species including cottonwood (Populus trichocarpa), quaking aspen (Populus tremuloides), lombardy poplar (Populus nigra “Italica”), etc.

ii. All Alnus species including red alder (Alnus oregona), black alder (Alnus glutinosa), white alder (Alnus rhombifolia), etc.

iii. Salix species including weeping willow (Salix babylonica), etc., unless along a stream bank and away from paved areas.

iv. All Platanus species including London plane tree (Platanus acerifolia), American sycamore/buttonwood (Platanus occidentalis), etc.

8. Protection Measures During Construction:

a. Tree Protection Measures: Protection measures in the following subsections H8b(i) through H8b(vi) of this section shall apply for all trees which are to be retained in areas immediately subject to construction. These requirements may be waived pursuant to RMC 4-9-250D, Modification Procedures, individually or severally by the City if the developer demonstrates them to be inapplicable to the specific on-site conditions or if the intent of the regulations will be implemented by another means with the same result.

b. Drip Line: All of the following tree protection measures shall apply:

i. The applicant may not fill, excavate, stack or store any equipment, or compact the earth in any way within the area defined by the drip line of any tree to be retained.

ii. The applicant shall erect and maintain rope barriers, temporary construction fencing, or place bales of hay on the drip line to protect roots. In addition, the applicant shall provide supervision whenever equipment or trucks are moving near trees.

iii. If the grade level adjoining a tree to be retained is to be raised, the applicant shall construct a dry rock wall or rock well around the tree. The diameter of this wall or well must be equal to the tree's drip line.

iv. The applicant may not install impervious surface material within the area defined by the drip line of any tree to be retained.

v. The grade level around any tree to be retained may not be lowered within the greater of the following areas: (1) the area defined by the drip line of the tree, or (2) an area around the tree equal to one foot in diameter for each one inch of tree caliper.

vi. The applicant shall retain a qualified professional to prune branches and roots, fertilize, and water as appropriate for any trees and ground cover that are to be retained.

I. VARIANCE PROCEDURES:

The Hearing Examiner shall have the authority to grant variances from the provisions of this Section pursuant to RMC 4-8-070H and RMC 4-9-250.

J. VIOLATIONS AND PENALTIES:

1. Penalties: Penalties for any violation of any of the provisions of this Section shall be in accord with RMC 1-3-2. In a prosecution under this Section, each tree removed, damaged or destroyed will constitute a separate violation, and the monetary penalty for each violated tree shall be no less than the minimum penalty, and no greater than the maximum penalty of RMC 1-3-2D.

2. Additional Liability for Damage: In addition, any person who violates any provision of this Section or of a permit issued pursuant thereto shall be liable for all damages to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to such violation.

3. Restoration Required: The City may require replacement of all improperly removed ground cover with species similar to those which were removed or other approved species such that the biological and habitat values will be replaced. Restoration shall include

installation and maintenance of interim and emergency erosion control measures that shall be required as determined by the City.

4. Replacement Required: The City may require for each tree that was improperly cut and/or removed, replacement planting of a tree of equal size, quality and species or up to three (3) trees of the same species in the immediate vicinity of the tree(s) which was removed. The replacement trees will be of sufficient caliper to adequately replace the lost tree(s) or a minimum of three inches (3 ) in caliper.

5. Stop Work: For any parcel on which trees and/or ground cover are improperly removed and subject to penalties under this Section, the City shall stop work on any existing permits and halt the issuance of any or all future permits or approvals until the property is fully restored in compliance with this Section and all penalties are paid.

**SECTION VII.** Tables 4-8-120.A of Chapter 8, Permits – General and Appeals, of Title IV (Development Regulations) of Ordinance No. 4260 entitled “Code of General Ordinances of the City of Renton, Washington” are hereby amended to read as follows:

TABLE 4-8-120A

| PUBLIC WORKS APPLICATIONS<br><br>SUBMITTAL REQUIREMENTS | TYPE OF APPLICATION/PERMIT | Utility Construction Permit (Sewer and/or Water) | Stormwater Construction Permit | Roadway Construction Permit | Combined Permit (includes Plats) | APA Operating Permit | APA Closure Permit |
|---|---|---|---|---|---|---|---|
| Closure Permit Application Form | | | | | | | 1(b) |
| Construction Permit Application Form | | 1 | 1 | 1 | 2 | | |
| Construction Mitigation Description | | 3 | 3 | 3 | 4 | | |
| Drainage Plans | | | 3 | 3 | 3 | | |
| Drainage Report | | | 2 | 2 | 2 | | |
| Erosion Control Plan (Temporary) | | 3 | 3 | 3 | 3 | | |
| Geotechnical Report | | 3 | 2 | 1 | 2 | | |
| Grading Plans | | | 3 | 3 | 4 | | |
| Hazardous Materials Management Statement | | 1(b) | 1(b) | 1(b) | 1(b) | | |
| Neighborhood Detail Map | | 3 | 3 | 3 | 3 | | |
| Operating Permit Application | | | | | | 1 | |
| Roadway Construction Plans | | | | 3 | 3 | | |
| Source Statement, Fill Material | | 1(b) | 1(b) | 1(b) | 1(b) | | |
| Street Lighting Plans | | | | 3 | 3 | | |
| Stream or Lake Study | | 1(c) | 1(c) | 1(c) | 1(c) | | |
| Topography Map | | 3 | 3 | 3 | 4 | | |
| Tree Cutting/Inventory/Land Clearing Plan – Approved | | 3 | 3 | 3 | 3 | | |
| Utilities Plans – Engineered | | 3 | 3 | 3 | 4 | | |
| Wetlands Assessment | | 1(a) | 1(a) | 1(a) | 1(a) | | |

TABLE 4-8-120A

| PUBLIC WORKS APPLICATIONS<br><br>SUBMITTAL REQUIREMENTS | TYPE OF APPLICATION/PERMIT | Utility Construction Permit (Sewer and/or Water) | Stormwater Construction Permit | Roadway Construction Permit | Combined Permit (includes Plats) | APA Operating Permit | APA Closure Permit |
|---|---|---|---|---|---|---|---|
| Table 4-8-120A Legend: | The number of copies required (if any) is indicated for each type of application and each submittal requirement, unless waived by the Development Services Division Plan Review Supervisor. Waiver of aquifer permit submittal requirements may be granted by the Water Utility | | | | | | |
| (a) Required when wetlands or buffer are present on-site.<br>(b) Required when project is located in Zones 1 or 2 of an aquifer protection area.<br>(c) A Standard Stream or Lake Study is required for any application proposal. A Supplemental Study is required if an unclassified stream is involved, or if there are proposed alterations of the water body or buffer. | | | | | | | |

**SECTION VIII.** The rows "Stream/Lake Data," "Topography Map (5' contours)," and "Wetland Report/Delineation" of Table 4-8-120.C of Chapter 8, Permits – General and Appeals, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinaces of the City of Renton, Washington" are hereby amended and renamed, as shown in Exhibit B.

**SECTION IX.** Table C of Section 4-8-120 of Chapter 8, Permits – General and Appeals, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" is hereby amended by adding a footnote 8, to read as follows:

(8) A Standard Stream or Lake Study is required for any application proposal. A Supplemental Study is required if an unclassified stream is involved, or if there are proposed alterations of the water body or buffer.

**SECTION X.** The definition of "Geotechnical Report" in Definitions G of Section 4-8-120.D.7, of Chapter 8, Permits – General and Appeals, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" is hereby amended to read as follows.

Geotechnical Report: A study prepared in accordance with generally accepted geotechnical practices and stamped by a professional engineer licensed in the State of Washington which includes soils and slope stability analysis, boring and test pit logs, and recommendations on slope setbacks, foundation design, retaining wall design, material selection, and all other pertinent elements. If the evaluation involves geologic evaluations or interpretations, the report shall be reviewed and approved by a geologist. Further recommendations, additions or exceptions to the original report based on the plans, site

conditions, or other supporting data shall be signed and sealed by the geotechnical engineer. If the geotechnical engineer who reviews the plans and specifications is not the same engineer who prepared the geotechnical report, the new engineer shall in a letter to the City accompanying the plans and specifications, express his or her agreement or disagreement with the recommendations in the geotechnical report and state that the plans and specifications conform to his or her recommendations. If the site contains a geologic hazard regulated by the critical areas regulations, the preparation and content requirements of RMC 4-8-120D, Table 18 shall also apply.

Table 18 – Geotechnical Report – Detailed Requirements

| Report Preparation/Content Requirements | Steep Slopes | Landslide – Medium | Landslide – High | Landslide – Very High | High Erosion | Seismic | Coal Mine – Medium | Coal Mine – High | Volcanic Hazards |
|---|---|---|---|---|---|---|---|---|---|
| 1. Characterize soils, geology and drainage. | X | X | X | X | X | X | X | X | X |
| 2. Describe and depict all natural and man-made features within one hundred fifty feet (150') of the site boundary. | X | X | X | X | X | X | X | X | X |
| 3. Identify any areas that have previously been disturbed or degraded by human activity or natural processes. | X | X | X | X | X | X | X | X | X |
| 4. Characterize groundwater conditions including the presence of any public or private wells within one-quarter (1/4) mile of the site. | X | X | X | X | X | X | X | X | |
| 5. Provide a site evaluation review of available information regarding the site. | X | X | X | X | X | X | X | X | X |
| 6. Conduct a surface reconnaissance of the site and adjacent areas. | X | X | X | X | X | X | X | X | |
| 7. Conduct a subsurface | X | X | X | X | X | X | X | X | |

| Report Preparation/Content Requirements | Steep Slopes | Landslide – Medium | Landslide – High | Landslide – Very High | High Erosion | Seismic | Coal Mine – Medium | Coal Mine – High | Volcanic Hazards |
|---|---|---|---|---|---|---|---|---|---|
| exploration of soils and hydrologic conditions. | | | | | | | | | |
| 8. Provide a slope stability analysis. | X | X | X | X | X | | X | X | |
| 9. Address principles of erosion control in proposal design including:<br>Plan the development to fit the topography, drainage patterns, soils and natural vegetation on site;<br>Minimize the extent of the area exposed at one time and the duration of the exposure;<br>Stabilize and protect disturbed areas as soon as possible;<br>Keep runoff velocities low;<br>Protect disturbed areas from stormwater runoff;<br>Retain the sediment within the site area;<br>Design a thorough maintenance and follow-up inspection program to ensure erosion control practices are effective. | X | X | X | X | X | | X | X | |
| 10. Provide an evaluation of site response and liquefaction potential relative to the proposed development. | | | | | | X | | | |
| 11. Conduct sufficient subsurface exploration to provide a site coefficient (S) for use in the Uniform Building Code to the satisfaction of the Building Official. | | | | | | X | | | |
| 12. Calculate tilts and strains, and determine appropriate design values for the building site. | | | | | | | X | X | |
| 13. Review available geologic hazard maps, | | | | | | | X | X | |

| Report Preparation/Content Requirements | Steep Slopes | Landslide – Medium | Landslide – High | Landslide – Very High | High Erosion | Seismic | Coal Mine – Medium | Coal Mine – High | Volcanic Hazards |
|---|---|---|---|---|---|---|---|---|---|
| mine maps, mine hazard maps, and air photographs to identify any subsidence features or mine hazards including, but not limited to, surface depressions, sinkholes, mine shafts, mine entries, coal mine waste dumps, and any indication of combustion in underground workings or coal mine waste dumps that are present on or within one hundred feet (100') of the property. | | | | | | | | | |
| 14. Inspect, review and document any possible mine openings and potential trough subsidence, and any known hazards previously documented or identified. | | | | | | | X | X | |
| 15. Utilize test pits to investigate coal mine waste dumps and other shallow hazards such as slope entry portals and shaft collar areas. Drilling is required for coal mine workings or other hazards that cannot be adequately investigated by surface investigations. | | | | | | | X | X | |
| 16. Provide an analysis of proposed clearing, grading and construction activities including construction scheduling. Analyze potential direct and indirect on-site and off-site impacts from development. | X | X | X | X | X | X | X | X | |
| 17. Propose mitigation measures, such as any special construction techniques, monitoring or inspection programs, erosion or sedimentation | X | X | X | X | X | X | X | X | X |

| Report Preparation/Content Requirements | Steep Slopes | Landslide – Medium | Landslide – High | Landslide – Very High | High Erosion | Seismic | Coal Mine – Medium | Coal Mine – High | Volcanic Hazards |
|---|---|---|---|---|---|---|---|---|---|
| programs during and after construction, surface water management controls, buffers, remediation, stabilization, etc. | | | | | | | | | |
| 18. Critical facilities on sites containing areas susceptible to inundation due to volcanic hazards shall require an evacuation and emergency management plan. The applicant for critical facilities shall evaluate the risk of inundation or flooding resulting from mudflows originating on Mount Rainier in a geotechnical report, and identify any engineering or other mitigation measures as appropriate. | | | | | | | | | X |

Note: An "X" indicates that the requirement applies in the identified critical area.

**SECTION XI.** Three new definitions, "Stream or Lake Study, Standard," "Stream or Lake Study, Supplemental" and "Stream or Lake Mitigation Plan" of Definitions S, of Section 4-8-120.D.19 of Chapter 8, Permits – General and Appeals, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" are hereby added, to read as follows:

Stream or Lake Study, Standard: A report shall be prepared by a qualified biologist, unless otherwise determined by the Administrator, and include the following information:

a. Site Map: Site map(s) indicating, at a scale no smaller than 1" = 20' (unless otherwise approved by the Development Services Director):

i. The entire parcel of land owned by the applicant, including 100 feet of the abutting parcels through which the water body(ies) flow(s);

ii. The ordinary high water mark (OHWM) determined in the field by a qualified biologist pursuant to RMC 4-3-050.L.1.b (the OHWM must also be flagged in the field);

iii. Stream classification, as recorded in the City of Renton Water Class Map in RMC 4-3-050Q4 or RMC 4-3-090 (if unclassified, see Supplemental Stream or Lake Study below);

iv. Topography of the site and abutting lands in relation to the stream(s) and its/their buffer(s) at contour intervals of 2 feet where slopes are less than 10 percent, and of 5 feet where slopes are 10 percent or greater;

v. 100-year floodplain and floodway boundaries, including 100 feet of the abutting parcels through which the water body(ies) flow(s);

vi. Site drainage patterns, using arrows to indicate the direction of major drainage flow;

vii. Top view and typical cross-section views of the stream or lake bed, banks, and buffers to scale;

viii. The vegetative cover of the entire site, including the stream or lake, banks, riparian area, and/or abutting wetland areas, extending 100 feet upstream and downstream from the property line. Include position, species, and size of all trees at least 10 inches average diameter that are within 100 feet of the OHWM;

ix. The location, width, depth, and length of all existing and proposed structures, roads, stormwater management facilities, wastewater treatment and installations in relation to the stream/lake and its/their buffer(s); and

x. Location of site access, ingress and egress.

b. Grading Plan: A grading plan prepared in accordance with RMC 4-8-120.D.7, and showing contour intervals of 2 feet where slopes are less than 10 percent, and of 5 feet where slopes are 10 percent or greater.

c. Stream or Lake Assessment Narrative: A narrative report shall be prepared to accompany the site plan which describes:

i. The stream or lake classification as recorded in the City of Renton Water Class Map in RMC 4-3-050Q4 or RMC 4-3-090.

ii. The vegetative cover of the site, including the stream or lake, banks, riparian area, wetland areas, and flood hazard areas extending 100 feet upstream and downstream from the property line;

iii. The ecological functions currently provided by the stream/lake and existing riparian area;

iv. Observed or reported fish and wildlife that make use of the area including, but not limited to, salmonids, mammals, and bird nesting, breeding, and feeding/foraging areas; and

v. Measures to protect trees, as defined per RMC 4-11-200, and vegetation.

Stream or Lake Study, Supplemental: The application shall include the following information:

a. Unclassified Stream Assessment: If the site contains an unclassified stream, a qualified biologist shall provide a proposed classification of the stream(s) based on RMC 4-3-050.L.1 and a rationale for the proposed rating.

b. Alterations to Stream/Lake and/or Buffer(s): A supplemental report prepared by a qualified biologist shall evaluate alternative methods of developing the property using the following criteria for justification:

i. Avoid any disturbances to the stream, lake or buffer;

ii. Minimize any stream, lake or buffer impacts;

iii. Compensate for any stream, lake or buffer impacts,;

iv. Restore any stream, lake or buffer area impacted or lost temporarily;

v. Enhance degraded stream or lake habitat to compensate for lost functions and values.

c. Impact Evaluation:

i. An impact evaluation for any unavoidable impacts prepared by a qualified biologist, to include:

(a) Identification, by characteristics and quantity, of the resources (stream, lake) and corresponding functional values found on the site;

(b) Evaluation of alternative locations, design modifications, or alternative methods of development to determine which option(s) reduce(s) the impacts on the identified resource(s) and functional values of the site;

(c) Determination of the alternative that best meets the applicable approval criteria and identify significant detrimental impacts that are unavoidable;

(d) To the extent that the site resources and functional values are part of a larger natural system such as a watershed, the evaluation must also consider the cumulative impacts on that system;

ii. For a violation, the impact evaluation must also include:

(a) Description, by characteristics and quantity, of the resource(s) and functional values on the site prior to the violations; and

(b) Determination of the impact of the violation on the resource(s) and functional values.

Stream or Lake Mitigation Plan: The mitigation plan must ensure compensation for unavoidable significant adverse impacts that result from the chosen development alternative or from a violation as identified in the impact evaluation. A mitigation plan must include:

a. Site Map: Site map(s) indicating, at a scale no smaller than 1” = 20' (unless otherwise approved by the Development Services Director):

i. The entire parcel of land owned by the applicant, including 100 feet of the abutting parcels through which the water body(ies) flow(s);

ii. The ordinary high water mark (OHWM) determined in the field by a qualified biologist pursuant to RMC 4-3-050.L.1.b (the OHWM must also be flagged in the field);

iii. Stream classification, as recorded in the City of Renton Water Class Map in RMC 4-3-050Q4 or RMC 4-3-090 or as determined through a Supplemental Stream or Lake Study approved by the Administrator;

iv. Topography of the site and abutting lands in relation to the stream(s) and its/their buffer(s) at contour intervals of 2 feet where slopes are less than 10 percent, and of 5 feet where slopes are 10 percent or greater;

v. 100-year floodplain and floodway boundaries, including 100 feet of the abutting parcels through which the water body(ies) flow(s);

vi. Site drainage patterns, using arrows to indicate the direction of major drainage flow;

vii. Top view and typical cross-section views of the stream or lake bed, banks, and buffers to scale;

viii. The vegetative cover of the entire site, including the stream or lake, banks, riparian area, and/or abutting wetland areas, extending 100 feet upstream and downstream from the property line. Include position, species, and size of all trees at least 10 inches average diameter that are within 100 feet of the OHWM;

ix. The location, width, depth, and length of all existing and proposed structures, roads, stormwater management facilities, wastewater treatment and installations in relation to the stream/lake and its/their buffer(s); and

x. Location of site access, ingress and egress;

xi. Indication of where proposed mitigation or remediation measures will take place on the site;

xii. Separate indication of areas where revegetation is to take place and areas where vegetation is anticipated to be removed; and

xiii. Any other areas of impact with clear indication of type and extent of impact indicated on site plan.

b. Mitigation narrative that includes the following elements:

i. Description of existing conditions on the site and associated water resource (baseline information);

ii. Resource(s) and functional values to be restored, created, or enhanced on the mitigation site(s);

iii. Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies;

iv. Construction schedule;

v. Operations and maintenance practices for protection and maintenance of the site;

vi. Environmental goals, objectives, and performance standards to be achieved by mitigation;

vii. Monitoring and evaluation procedures, including minimum monitoring standards and timelines (i.e., annual, semi-annual, quarterly);

viii. Contingency plan with remedial actions for unsuccessful mitigation;

ix. Cost estimates for implementation of mitigation plan for purposes of calculating surety device; and

x. Discussion of compliance with criteria or conditions allowing for the proposed stream/lake alteration or buffer reduction or buffer averaging, and a discussion of conformity to applicable mitigation plan approval criteria.

xi. A review of the best available science supporting the proposed request for a reduced standard and/or the method of impact mitigation; a description of the report

author's experience to date in restoring or creating the type of critical area proposed; and an analysis of the likelihood of success of the compensation project.

**SECTION XII.** The definition of "Stream and Lake Data" of Definitions S, of Section 4-8-120.D.19 of Chapter 8, Permits – General and Appeals, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" is hereby deleted.

**SECTION XIII.** The definitions of "Wetland Mitigation Plan – Preliminary" and "Wetland Mitigation Plan – Final" of Definitions W of Section 4-8-120.D.23 of Chapter 8, Permits – General and Appeals, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" are hereby amended to read as follows:

Wetland Mitigation Plan – Preliminary: A preliminary wetland mitigation plan shall include the following:

a. A conceptual site plan demonstrating sufficient area for replacement ratios;

b. Proposed planting scheme for created, restored, and enhanced wetlands;

c. Written report consistent with final wetland mitigation plan requirements regarding baseline information, environmental goals and objectives, and performance standards.

Wetland Mitigation Plan – Final: A final wetland mitigation plan shall include:

a. Baseline Information: A written assessment and accompanying maps of the impacted wetland including, at a minimum, a wetland delineation by a qualified wetland specialist; existing wetland acreage; vegetative, faunal and hydrologic characteristics; an

identification of direct and indirect impacts of the project to the wetland area and wetland functions; soil and substrata conditions; topographic elevations and compensation site. If the mitigation site is different from the impacted wetland site, the assessment should include at a minimum: existing acreage; vegetative, faunal and hydrologic conditions; relationship within the watershed and to existing water bodies; soil and substrata conditions, topographic elevations; existing and proposed adjacent site conditions; buffers; and ownership.

b. Environmental Goals and Objectives: A written report by a qualified wetland specialist shall be provided identifying goals and objectives of the mitigation plan and describing:

i. The purposes of the compensation measures including a description of site selection criteria, identification of compensation goals; identification of target evaluation species and resource functions, dates for beginning and completion, and a complete description of the structure and functional relationships sought in the new wetland. The goals and objectives shall be related to the functions and values of the original wetland or if out-of-kind, the type of wetland to be emulated; and

ii. A review of the best available science and report author's experience to date in restoring or creating the type of wetland proposed shall be provided. An analysis of the likelihood of success of the compensation project at duplicating the original wetland shall be provided based on the experiences of comparable projects, preferably those in the same drainage basins, if any. An analysis of the likelihood of persistence of the created or restored wetland shall be provided based on such factors as surface and ground water supply and flow patterns, dynamics of the wetland ecosystem; sediment or pollutant influx and/or erosion,

periodic flooding and drought, etc., presence of invasive flora or fauna, potential human or animal disturbance, and previous comparable projects, if any.

c. Performance Standards: Specific criteria shall be provided for evaluating whether or not the goals and objectives of the project are achieved and for beginning remedial action or contingency measures. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria. These criteria will be evaluated and reported pursuant to subsection e of this definition, Monitoring Program. An assessment of the project's success in achieving the goals and objectives of the mitigation plan should be included along with an evaluation of the need for remedial action or contingency measures.

d. Detailed Techniques and Plans: Written specifications and descriptions of compensation techniques shall be provided including the proposed construction sequence, grading and excavation details, erosion and sediment control features needed for wetland construction and long-term survival, a planting plan specifying plant species, quantities, locations, size, spacing, and density; source of plant materials, propagates, or seeds; water and nutrient requirements for planting; where appropriate, measures to protect plants from predation; specification of substrata stockpiling techniques and planting instructions; descriptions of water control structures and water level maintenance practices needed to achieve the necessary hydroperiod characteristics; etc. These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome. The plan shall provide for elevations which are appropriate for the

desired habitat type(s) and which provide sufficient hydrologic data. The City may request such other information as needed to determine the adequacy of a mitigation plan.

e. Monitoring Program: A program outlining the approach for monitoring construction and development of the compensation project and for assessing a completed project shall be provided in the mitigation plan. Monitoring may include, but is not limited to:

i. Establishing vegetation plots to track changes in plant species composition and density over time;

ii. Using photo stations to evaluate vegetation community response;

iii. Sampling surface and subsurface waters to determine pollutant loading, and changes from the natural variability of background conditions (pH, nutrients, heavy metals);

iv. Measuring base flow rates and storm water runoff to model and evaluate hydrologic and water quality predictions;

v. Measuring sedimentation rates;

vi. Sampling fish and wildlife populations to determine habitat utilization, species abundance and diversity; and

vii. A description shall be included outlining how the monitoring data will be evaluated by agencies that are tracking the progress of the compensation project. A monitoring report shall be submitted quarterly for the first year and annually thereafter, and at a minimum, should document milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five (5) years.

f. Contingency Plan: Identification of potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates project performance standards are not being met.

g. Permit Conditions: Any compensation project prepared for mitigation pursuant to RMC 4-3-050M, Wetlands, and approved by the City shall become part of the application for project approval.

h. Demonstration of Competence: A demonstration of financial resources, administrative, supervisory, and technical competence and scientific expertise of sufficient standing to successfully execute the compensation project shall be provided. A compensation project manager shall be named and the qualifications of each team member involved in preparing the mitigation plan and implementing and supervising the project shall be provided, including educational background and areas of expertise, training and experience with comparable projects.

**SECTION XIV.** The definition of "Wetland Report/Delineation" of Definitions W of Section 4-8-120.D.23 of Chapter 8, Permits – General and Appeals, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" is hereby amended and retitled to read as follows:

Wetland Assessment: A wetland assessment includes the following:

a. A description of the project and maps at a scale no smaller than one inch equals two hundred feet (1" = 200') showing the entire parcel of land owned by the applicant and the wetland boundary surveyed by a qualified wetlands ecologist, and pursuant to RMC 4-3-050M3;

b. A description of the vegetative cover of the wetland and adjacent area including identification of the dominant plant and animal species;

c. A site plan for the proposed activity at a scale no smaller than one inch equals two hundred feet (1" = 200') showing the location, width, depth and length of all existing and proposed structures, roads, stormwater management facilities, sewage treatment and installations within the wetland and its buffer;

d. The exact locations and specifications for all activities associated with site development including the type, extent and method of operations;

e. Elevations of the site and adjacent lands within the wetland and its buffer at contour intervals of no greater than five feet (5') or at a contour interval appropriate to the site topography and acceptable to the City;

f. Top view and typical cross-section views of the wetland and its buffer to scale;

g. The purposes of the project and, if a wetland alteration or a buffer reduction or averaging proposal is being requested, an explanation of how applicable review criteria are met;

h. If wetland mitigation is proposed, a mitigation plan which includes baseline information, an identification of direct and indirect impacts of the project to the wetland area and wetland functions, environmental goals and objectives, performance standards, construction plans, a monitoring program and a contingency plan.

i. Alternative Methods of Development: If wetland changes are proposed, the applicant shall evaluate alternative methods of developing the property using the following criteria in this order:

- Avoid any disturbances to the wetland or buffer;
- Minimize any wetland or buffer impacts;
- Compensate for any wetland or buffer impacts;
- Restore any wetlands or buffer impacted or lost temporarily;
- Create new wetlands and buffers for those lost; and
- In addition to restoring a wetland or creating a wetland, enhance an existing degraded wetland to compensate for lost functions and values.

This evaluation shall be submitted to the Department Administrator. Any proposed alteration of wetlands shall be evaluated by the Department Administrator using the above hierarchy.

j. Such other information as may be needed by the City, including but not limited to an assessment of wetland functional characteristics, including a discussion of the methodology used; a study of hazards if present on site, the effect of any protective measures that might be taken to reduce such hazards; and any other information deemed necessary to verify compliance with the provisions of this Section.

**SECTION XV.** Section 4-9-065, Density Bonus Review, of Chapter 9, Permits – Specific, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" is hereby amended to read as follows:

4-9-065 DENSITY BONUS REVIEW:

A. PURPOSE:

The purpose of the density bonus review is to provide a procedure to review requests for density bonuses authorized in chapter 4-2 RMC. Density bonuses are offered to meet the intent

of the Comprehensive Plan policies, including but not limited to Land Use and Housing Element policies and the purpose and intent of the zoning districts.

B. APPLICABILITY:

The density bonus review procedure and review criteria are applicable to applicants who request bonuses in the zones which specifically authorize density bonuses in chapter 4-2 RMC. This Section of chapter 4-9 RMC contains density bonus procedures and review criteria for the R-14, RM-U, COR-1, and COR-2 Zones.

C. REVIEW PROCESS:

1. Concurrent Review: Density bonus review shall occur concurrently with any other required land use permit that establishes the permitted density and use of a site, including subdivisions, site plan review, and conditional use permits. When the development proposal does not otherwise require a subdivision, site plan review, or conditional use permit to establish the permitted density of a site, but includes a density bonus request, the development proposal shall be reviewed under administrative site plan review requirements.

2. Reviewing Official: The Reviewing Official for the required land use permit as described in subsection C1 of this Section, Concurrent Review, shall also determine compliance with the density bonus process.

3. Submittal Requirements and Fees: An applicant shall submit applications and fees in accordance with the requirements for the primary development application per chapters 4-1 and 4-8 RMC.

D. BONUS ALLOWANCES AND REVIEW CRITERIA:

The following table lists the conditions under which additional density or alternative bulk standards may be achieved:

| | R-14 ZONE | RM-U ZONE | COR 1 | COR 2 |
|---|---|---|---|---|
| Density and Unit Size Bonus – Purpose: | The bonus provisions are intended to allow greater flexibility in the implementation of the purpose of the R-14 designation. Bonus criteria encourage provision of aggregated open space and rear access parking in an effort to stimulate provision of higher amenity neighborhoods and project designs which address methods of reducing the size and bulk of structures. Applicants wishing such bonuses must demonstrate that the same or better results will occur as a result of creative design solutions that would occur with uses developed under standard criteria. | The bonus provisions are intended to allow greater densities within the portion of the RM-U zone located within the Urban Center Design Overlay and north of South 2nd Street for those development proposals that provide high quality design and amenities. | NA | NA |
| Maximum Additional Units Per Acre: | 1 to 4 additional dwelling units per net acre. Densities of greater than 18 units per net acre are prohibited. | Up to 25 dwelling units per net acre. Densities of greater than 100 dwelling units per net acre are prohibited. | Up to 5 additional dwelling units per acre may be allowed; provided there is a balance of height, bulk and density established through a floor area ratio system and/or a master plan to be decided at the time of site plan review. | Up to 2 dwelling units per acre for compliance with each provision listed below may be allowed; provided there is a balance of height, bulk and density established addressing the following public benefits:<br>(i) Provision of continuous pedestrian access to the shoreline consistent with requirements of the Shoreline Management Act and fitting a circulation pattern within the site,<br>(ii) Provision of an additional 25 ft setback from the |

| | R-14 ZONE | RM-U ZONE | COR 1 | COR 2 |
|---|---|---|---|---|
| | | | | shoreline beyond that required by the Shoreline Management Act, |
| Maximum Additional Units Per Acre: (continued) | | | | (iii) Establishment of view corridors from upland boundaries of the site to the shoreline, (iv) Water Related Uses. If the applicant wishes to reach these bonus objectives in a different system, a system of floor area ratios may be established for the property to be determined at the time of site plan review as approved by Council. (v) Daylighting of piped streams. |
| Maximum Allowable Bonus Dwelling Unit Mix/Arrangement: | Dwelling units permitted per structure may be increased as follows: (i) Dwellings Limited to 3 Attached: A maximum of 4 units per structure, with a maximum structure length of 100 feet. (ii) Dwellings Limited to 6 Attached: A maximum of 8 units per structure with a maximum structural height of 35 feet, or 3 stories and a maximum structural length of 115 feet. | NA | NA | NA |
| Bonus Criteria: | Bonuses may be achieved independently or in combination. To qualify for one or both bonuses the applicant shall provide either: (i) Alley and/or rear access and parking for | Development projects within the applicable area that meet both the "Minimum requirements" and at least one "Guideline" in each | NA | NA |

| | R-14 ZONE | RM-U ZONE | COR 1 | COR 2 |
|---|---|---|---|---|
| | 50% of detached, semi attached, or townhouse units, or<br>(ii) Civic uses such as a community meeting hall, senior center, recreation center, or other similar uses as determined by the Zoning Administrator, or<br>(iii) A minimum of 5% of the net developable area of the project in aggregated common open space. Common open space areas may be used for any of the following purposes (playgrounds, picnic shelters/facilities and equipment, village greens/square, trails, corridors or natural). Structures such as kiosks, benches, fountains and maintenance equipment storage facilities are permitted provided that they serve and/or promote the use of the open space. To qualify as common open space an area must meet each of the following conditions:<br>function as a focal point for the development,<br>have a maximum slope of 10%,<br>have a minimum width of 25 feet except for trails or corridors,<br>be located outside the right-of-way,<br>be improved for passive and/or active recreational uses,<br>be improved with landscaping in public areas, and | of the following four categories:<br>Building Siting and Design;<br>Parking, Access, and Circulation;<br>Landscaping/Recreation/Common Space; and<br>Building Architectural Design applying to Area "A" of the Urban Center Design Overlay District located in RMC 4-3-100 shall be permitted a maximum density of 100 dwelling units per net acre. | | |
| Bonus Criteria | be maintained by the | | | |

| | R-14 ZONE | RM-U ZONE | COR 1 | COR 2 |
|---|---|---|---|---|
| (continued): | homeowners association if the property is subdivided, or by the management organization as applied to the property if the property is not subdivided.<br>In addition, in order to qualify for a bonus, developments shall also incorporate a minimum of 3 features described below:<br>(i) Architectural design which incorporates enhanced building entry features (e.g., varied design materials, arbors and/or trellises, cocheres, gabled roofs).<br>(ii) Active common recreation amenities such as picnic facilities, gazebos, sports courts, recreation center, pool, spa/jacuzzi.<br>(iii) Enhanced ground plane textures or colors (e.g., stamped patterned concrete, cobblestone, or brick at all building entries, courtyards, trails or sidewalks).<br>(iv) Building or structures incorporating bonus units shall have no more than 75% of the garages on a single facade.<br>(v) Surface parking lots containing no more than 6 parking stalls separated from other parking areas by landscaping with a minimum width of 15 feet.<br>(vi) Site design incorporating a package of at least 3 amenities which enhance neighborhood character, | | | |

| | R-14 ZONE | RM-U ZONE | COR 1 | COR 2 |
|---|---|---|---|---|
| | such as coordinated lighting (street or building), mailbox details, address and signage details, and street trees as approved by the Reviewing Official. | | | |
| General Provisions: | NA | NA | Where included, affordable units must meet the provisions of housing element of the Comprehensive Plan. | Where included, affordable units must meet the provisions of housing element of the Comprehensive Plan. For COR 2, if a significant public benefit above City Code requirements can be provided for a portion of the property which may be contaminated, a transfer of density may be allowed for other portions of the site. |

**SECTION XVI.** Section 4-9-070.J of Chapter 9, Permits – Specific, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" is hereby amended to read as follows:

J. ENVIRONMENTALLY SENSITIVE AREAS/INAPPLICABLE EXEMPTIONS:

1. Maps Depicting Environmentally Critical Areas and Critical Area Designation:

a. Maps Adopted by Reference: The map(s) in RMC 4-3-050.Q identify Critical Areas. The Maps in RMC 4-3-090 identify regulated Shorelines of the State. The specific environmentally critical areas where SEPA exemptions are not applicable are identified in subsection "1.b" below.

b. Critical Areas Designated: Wetlands, Protected Slopes, Very High Landslide Hazard Areas, Class 2 to 4 Streams and Lakes, Shorelines of the State designated as Natural or Conservancy, or Shorelines of the State designated Urban if also meeting the requirement of RMC 4-9-070.J.2.a or c, and the one hundred (100) year floodway, as mapped and identified pursuant to subsection "a" above, or when present according to the critical area classification criteria of RMC 4-3-050, are designated as environmentally critical areas pursuant to the State Environmental Policy Act, WAC 197-11-908.

2. Inapplicable State Environmental Policy Act (SEPA) Exemptions:

a. General: Certain exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped.

b. Environmentally Critical Areas: For each environmentally critical area, the exemptions within WAC 197-11-800 that are inapplicable for that area are:

WAC 197-11-800(1)

WAC 197-11-800(2)(d, e, g)

WAC 197-11-800(6)(a)

WAC 197-11-800(24)(a, b, c, d, f, g)

WAC 197-11-800(25)(f, h)

c. Wetlands: The following SEPA categorical exemptions shall not apply to wetlands:

WAC 197-11-800(1)

WAC 197-11-800(2)

WAC 197-11-800(3)

WAC 197-11-800(4)

WAC 197-11-800(6)

WAC 197-11-800(8)

WAC 197-11-800(25)

Unidentified exemptions shall continue to apply within environmentally critical areas of the City.

3. Threshold Determinations for Proposals Located within Environmentally Sensitive Areas: The City shall treat proposals located wholly or partially within an environmentally sensitive area no differently than other proposals under this Section, making a threshold determination for all such proposals. The City shall not automatically require an EIS for a proposal merely because it is proposed for location in an environmentally sensitive area.

**SECTION XVII.** Section 4-9-250 of Chapter 9, Permits – Specific, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" is hereby amended to read as follows:

4-9-250 VARIANCES, WAIVERS, MODIFICATIONS, AND ALTERNATES:

A. PURPOSES:

1. Variances: A grant of relief from the requirements of this Title which permits construction in a manner that otherwise is prohibited by this Title.

2. Waivers: (Reserved)

3. Modifications: To modify a Code requirement when there are practical difficulties involved in carrying out the provisions of this Title when a special individual reason makes the strict letter of this Code impractical.

4. Alternates: To allow the use of any material or method of construction not specifically prescribed by this Title.

B. VARIANCE PROCEDURES:

1. Authority and Applicability:

a. Hearing Examiner Variances: The Hearing Examiner shall have the authority to grant variances from the provisions of those sections of this Title listed in RMC 4-8-070 where the proposed development requires or required any permit or approval as set forth in RMC 4-8-070, Review Authority for Multiple Permit Applications, and for variances from the following critical area regulations:

i. Proposals Located within Critical Areas – Aquifer Protection Areas: If an applicant feels that the strict application of aquifer protection regulations would deny all reasonable use of the property or would deny installation of public transportation or utility facilities determined by the public agency proposing these facilities to be in the best interest of the public health, safety and welfare, the applicant of a development proposal may apply for a variance.

ii. Proposals Located within Critical Areas – Flood Hazards: The Hearing Examiner shall hear and decide requests for variances from the flood hazard requirements of RMC 4-3-050, Critical Areas Regulations.

iii. Proposals Located within Critical Areas – Wetlands: Buffer width reductions not otherwise authorized by RMC 4-3-050M6e and M6f – Category 1 or 2.

iv. Proposals Located within Critical Areas – Streams and Lakes: Buffer width reductions not otherwise authorized by RMC 4-3-050.L– Class 2 to 4. Activities proposing to vary from stream regulations not listed elsewhere in 1.a or as an administrative variance in 1.c, and authorized to be requested as variances in RMC 4-3-050.L.

v. Proposals Located Within Critical Areas – General: Public/quasi-public utility or agency proposing to alter aquifer protection, geologic hazard, habitat or wetlands regulations not listed above or as an administrative variance.

b. Board of Adjustment Variances: The Board of Adjustment shall have authority to grant variances from the provisions of this Title upon application to the Development Services Division where no approval or permit is required for the proposed development which must be granted by the Hearing Examiner pursuant to RMC 4-1-050H. The Board of Adjustment shall have no authority to vary the terms or conditions of any permit, recommendation or decision issued by the Hearing Examiner.

c. Administrative Variances: The Planning/Building/Public Works Administrator or his/her designee shall have the authority to grant variances from the following development standards when no other permit or approval requires Hearing Examiner Review:

i. Residential Land Uses: Lot width, lot depth, setbacks, allowed projections into setbacks, and lot coverage. Lot width, lot depth, and setback variations do not require a variance if the request is part of a stream daylighting proposal and meets criteria in RMC 4-3-050.L; and

ii. Commercial and Industrial Land Uses: Screening of surface-mounted equipment and screening of roof-mounted equipment.

iii. Proposals Located Within Critical Areas:

(a) Steep Slopes Forty Percent (40%) or Greater and Very High Landslide Hazards: The construction of one single family home on a pre-existing platted lot where there is not enough developable area elsewhere on the site to accommodate building pads and provide practical off-street parking.

(b) Wetlands:

• Creation/restoration/enhancement ratios: Categories 1 and 2.

• Buffer width reductions not otherwise authorized by RMC 4-3-050M6e and M6f – Category 3.

• A new or expanded single family residence on an existing, legal lot, having a regulated Category 3 wetland.

(c) Streams and Lakes. A new or expanded single family residence on a pre-existing platted lot where there is not enough developable area elsewhere on the site to accommodate building pads and provide practical off-street parking, providing reasonable use of the property.

2. Filing of Application: A property owner, or his duly authorized agent, may file an application for a variance which application shall set forth fully the grounds therefor and the facts deemed to justify the granting of such variance.

3. Submittal Requirements and Application Fees: Shall be as listed in RMC 4-8-120C, Land Use Applications, and 4-1-170, Land Use Review Fees.

4. Public Notice and Comment Period: Notice of the application shall be given pursuant to RMC 4-8-090, Public Notice Requirements.

5. Decision Criteria: Except for variances from critical areas regulations, the Reviewing Official shall have authority to grant a variance upon making a determination in writing that the conditions specified below have been found to exist:

a. That the applicant suffers undue hardship and the variance is necessary because of special circumstances applicable to subject property, including size, shape,

topography, location or surroundings of the subject property, and the strict application of the Zoning Code is found to deprive subject property owner of rights and privileges enjoyed by other property owners in the vicinity and under identical zone classification;

b. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated;

c. That approval shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is situated;

d. That the approval as determined by the Reviewing Official is a minimum variance that will accomplish the desired purpose.

6. Special Review Criteria – Reasonable Use Variance – Critical Areas Regulations Only: For variance requests related to the critical areas regulations not subject to subsections B7 to B11 of this Section, the Reviewing Official may grant a reasonable use variance if all of the following criteria are met:

a. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated;

b. There is no reasonable use of the property left if the requested variance is not granted;

c. The variance granted is the minimum amount necessary to accommodate the proposal objectives; and

d. The need for the variance is not the result of actions of the applicant or property owner; and

e. The proposed variance is based on consideration of the best available science as described in WAC 365-195-905; or where there is an absence of valid scientific information, the steps in RMC 4-9-250F are followed.

7. Special Review Criteria for Variances from the Aquifer Protection Regulations: Except for public or quasi-public utility or agency proposals which are subject to subsection B10 of this Section, the Hearing Examiner shall consider the following criteria, in addition to those criteria in subsections B5 and B6 of this Section, for variances from aquifer protection regulations:

a. That the proposed activities will not cause significant degradation of groundwater or surface water quality;

b. That the applicant has taken deliberate measures to minimize aquifer impacts, including but not limited to the following:

i. Limiting the degree or magnitude of the hazardous material and activity; and

ii. Limiting the implementation of the hazardous material and activity; and

iii. Using appropriate and best available technology; and

iv. Taking affirmative steps to avoid or reduce impacts; and

c. That there will be no damage to nearby public or private property and no threat to the health or safety of people on or off the property; and

d. The proposed variance is based on consideration of the best available science as described in WAC 365-195-905; or where there is an absence of valid scientific information, the steps in RMC 4-9-250F are followed.

8. Special Review Criteria for Variances from Flood Hazard Requirements in the Critical Areas Regulations: In lieu of the variance criteria of subsection B5 of this Section, the following directives and criteria shall be utilized by the Hearing Examiner in the review of variance applications related to the flood hazard requirements of the critical areas regulations:

a. Purpose and Intent: Variances, as interpreted in the national flood insurance program, are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

b. Review Criteria: In passing upon such an application for a variance, the Hearing Examiner shall consider the following review criteria:

i. Consider all technical evaluations, all relevant factors, standards specified in other sections of this section; and:

(1) The danger that materials may be swept onto other lands to the injury of others.

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity to the facility of a waterfront location, where applicable;

(6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(7) The compatibility of the proposed use with existing and anticipated development;

(8) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

ii. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided criteria in subsection B8bi of

this Section have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.

iii. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except subsections B8bii, iii or iv, and otherwise complies with RMC 4-3-050I2a and I2b of the general standards.

iv. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.

v. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

vi. Variances shall only be issued upon:

(1) A showing of good and sufficient cause;

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant;

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

(4) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

c. Conditions of Approval: Upon consideration of the factors of subsection B8b of this Section, and the purposes of this section, the Hearing Examiner may attach such conditions to the granting of variances as it deems necessary to further the purposes of this section.

d. Notice Required upon Variance Approval: Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

e. Records: The Department Administrator or his/her designee, the Building Official, shall maintain the records of all variance actions and report any variances to the Federal Insurance Administration upon request.

9. Special Review Criteria – Single Family Residence on a Legal Lot with a Category 3 Wetland; or Single Family Residence on a Legal Lot with a Class 2, 3, or 4 Stream/Lake: In lieu of the criteria shown in subsections B5 and B6 of this Section, a variance may be granted from any wetland or stream requirement in the critical areas regulations for a single family residence to be located on an existing legal lot if all of the following criteria are met:

a. The proposal is the minimum necessary to accommodate the building footprint and access. In no case, however, shall the impervious surface exceed five thousand (5,000) square feet, including access. Otherwise the alteration shall be reviewed as a Hearing Examiner variance and subject to the review criteria of subsection B6 of this Section;

b. Access is located so as to have the least impact on the wetland and/or stream/lake and its buffer;

c. The proposal preserves the functions and values of the wetlands and/or stream/lake/riparian habitat to the maximum extent possible;

d. The proposal includes on-site mitigation to the maximum extent possible;

e. The proposal first develops non-critical area, then the critical area buffer, before the critical area itself is developed;

f. The proposed activities will not jeopardize the continued existence of endangered, threatened or sensitive species as listed by the Federal government or the State;

g. The inability to derive reasonable economic use of the property is not the result of actions segregating or dividing the property and creating the undevelopable condition after the effective date of this Section; and

h. The proposed variance is based on consideration of the best available science as described in WAC 365-195-905; or where there is an absence of valid scientific information, the steps in RMC 4-9-250F are followed.

10. Special Review Criteria – Public/Quasi-Public Utility or Agency Altering Aquifer Protection, Geologic Hazard, Habitat, Stream/Lake or Wetland Regulations: In lieu of the variance criteria of subsection B5 of this Section, applications by public/quasi-public utilities or agencies proposing to alter aquifer protection, geologic hazard, habitat, stream and lake or wetland regulations shall be reviewed for compliance with all of the following criteria:

a. Public policies have been evaluated and it has been determined by the Department Administrator that the public's health, safety, and welfare is best served;

b. Each facility must conform to the Comprehensive Land Use Plan and with any adopted public programs and policies;

c. Each facility must serve established, identified public needs;

d. No practical alternative exists to meet the needs;

e. The proposed action takes affirmative and appropriate measures to minimize and compensate for unavoidable impacts;

f. The proposed activity results in no net loss of regulated wetland or stream/lake area, value, or function in the drainage basin where the wetland, stream or lake, is located;

g. The proposed activities will not jeopardize the continued existence of endangered, threatened or sensitive species as listed by the Federal government or the State;

h. That the proposed activities will not cause significant degradation of groundwater or surface water quality;

i. The approval as determined by the Hearing Examiner is a minimum variance that will accomplish the desired purpose; and,

j. The proposed variance is based on consideration of the best available science as described in WAC 365-195-905; or where there is an absence of valid scientific information, the steps in RMC 4-9-250F are followed.

11. Special Review Criteria – Constructing Structures over Piped Streams: For variance requests involving the construction of structures over piped streams, the following criteria shall apply:

a. The proposal is the minimum necessary to accommodate the structure; and

b. There is no other reasonable alternative to avoid building over a piped stream; and

c. The existing pipe stream system that would have to be located under the structure is replaced with new pipe material to insure long term life of the pipe and meets structural requirements; and

d. The piped stream system is sized to convey the 100-year future land use condition runoff from the total upstream tributary area as determined from a hydrologic and hydraulic analysis performed in accordance with standards determined by the City and in accordance with other City's standards; and

e. The piped stream that will be built over will need to be placed in a casing pipe sized to allow pipe skids and the potential need to increase the pipe size by a minimum of one pipe diameter. The casing pipe shall be a minimum of three pipe diameters larger than the diameter of the pipe that conveys the stream; and

f. To allow for maintenance, operation and replacement of the piped stream that has been built over, a flow bypass system shall be constructed and access manholes or other structures of sufficient size as determined by the City shall be required on both sides of the section of the piped stream that is built upon; and

g. There will be no damage to nearby public or private property and no threat to the health or safety of people on or off the property.

12. Continuation of Public Hearing: If for any reason testimony in any manner set for public hearing, or being heard, cannot be completed on date set for such hearing, the person presiding at such public hearing or meeting may, before adjournment or recess of such matters under consideration, publicly announce the time and place to and at which said meeting will be continued, and no further notice of any kind shall be required.

13. Board of Adjustment Decision Process:

a. Board of Adjustment Shall Announce Findings and Decisions: Not more than thirty (30) days after the termination of the proceedings of the public hearing on any variance, the Board of Adjustment shall announce its findings and decision. If a variance is granted, the record shall show such conditions and limitations in writing as the Board of Adjustment may impose.

b. Notice of Decision of Board of Adjustment: Following the rendering of a decision on a variance application, a copy of the written order by the Board of Adjustment shall be mailed to the applicant at the address shown on the application and filed with the Board of Adjustment and to any other person who requests a copy thereof.

c. Reconsideration: (Reserved)

d. Record of Decision: Whenever a variance is approved by the Board of Adjustment, the Building Department shall forthwith make an appropriate record and shall inform the administrative department having jurisdiction over the matter.

14. Conditions of Approval: The Reviewing Official may prescribe any conditions upon the variance deemed to be necessary and required.

15. Finalization: (Reserved)

16. Expiration of Variance Approval: Any variance granted by the Reviewing Official, unless otherwise specified in writing, shall become null and void in the event that the applicant or owner of the subject property for which a variance has been requested has failed to commence construction or otherwise implement effectively the variance granted within a period of two (2) years after such variance has been issued. For proper cause shown, an applicant may petition the Reviewing Official during the variance application review process, for an extension

of the two (2) year period, specifying the reasons therefor. The time may be extended but shall not exceed one additional year in any event.

17. Extension of Approval: For proper cause shown, an applicant may petition the Reviewing Official for an extension of the approved expiration period established per subsection D15 of this Section prior to the expiration of the time period, specifying the reasons therefor. The Reviewing Official may extend the time limit, but such extension shall not exceed one additional year in any event.

C. WAIVER PROCEDURES:

1. Authority for Waiver, General: (Reserved)

2. Authority for Waiver of Street Improvements: The Board of Public Works may grant waiver of the installation of street improvements subject to the determination that there is reasonable justification for such waiver.

3. Application and Fee: Any application for such a waiver shall specify in detail the reason for such requested waiver and may contain such evidence including photographs, maps, surveys as may be pertinent thereto. The application fee shall be as specified in RMC 4-1-170, Land Use Review Fees.

4. Decision Criteria, General: (Reserved)

5. Decision Criteria for Waivers of Street Improvements: Reasonable justification shall include but not be limited to the following:

a. Required street improvements will alter an existing wetlands or stream, or have a negative impact on a shoreline's area.

b. Existing steep topography would make required street improvements infeasible.

c. Required street improvements would have a negative impact on other properties, such as restricting available access.

d. There are no similar improvements in the vicinity and there is little likelihood that the improvements will be needed or required in the next ten (10) years.

e. In no case shall a waiver be granted unless it is shown that there will be no detrimental effect on the public health, safety or welfare if the improvements are not installed, and that the improvements are not needed for current or future development.

D. MODIFICATION PROCEDURES:

1. Application Time and Decision Authority: Modification from standards, either in whole or in part, shall be subject to review and decision by the Planning/Building/Public Works Department upon submittal in writing of jurisdiction for such modification.

2. Decision Criteria: Whenever there are practical difficulties involved in carrying out the provisions of this Title, the Department Administrator may grant modifications for individual cases provided he/she shall first find that a specific reason makes the strict letter of this Code impractical, that the intent and purpose of the governing land use designation of the Comprehensive plant is met and that the modification is in conformity with the intent and purpose of this Code, and that such modification:

a. Substantially implements the policy direction of the policies and objectives of the Comprehensive Plan Land Use Element and the Community Design Element and the proposed modification is the minimum adjustment necessary to implement these policies and objectives.

b. Will meet the objectives and safety, function, appearance, environmental protection and maintainability intended by the Code requirements, based upon sound engineering judgment; and

c. Will not be injurious to other property(s) in the vicinity; and

d. Conform to the intent and purpose of the Code; and

e Can be shown to be justified and required for the use and situation intended; and

f. Will not create adverse impacts to other property(ies) in the vicinity.

3. Additional Decision Criteria Only for Center Office Residential 3 (COR 3) Zone: For a modification to special upper story setback standards in the COR 3 Zone, RMC 4-2-120B, the Department shall rely on the recommendations contained within the Report on Design Criteria for Modifications prepared by the Economic Development, Neighborhoods and Strategic Planning Administrator or designee as the basis for approval or denial of the request. In addition to the criteria in subsection D2 of this Section, the request for modification in the COR 3 Zone requirements for upper story setbacks shall meet all of the following criteria:

a. In comparison to the standard upper story setbacks, the proposed building design will achieve the same or better results in terms of solar access to the public shoreline trails/open space and publicly accessible plazas; the building will allow access to sunlight along the public trail/open space system and plazas abutting the shoreline during daytime and seasonal periods projected for peak utilization by pedestrians.

b. The building will create a step in perceived height, bulk and scale in comparison to buildings surrounding the subject building.

E. ALTERNATE PROCEDURES:

1. Authority: The provisions of this Title are not intended to prevent the use of any material or method of construction or aquifer protection not specifically prescribed by this

Title, provided any alternate has been approved and its use authorized by the Planning/Building/Public Works Administrator.

2. Decision Criteria: The Administrator may approve any such alternate, provided he/she finds that the proposed design and/or methodology is satisfactory and complies with the provisions of this Title and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Title in suitability, strength, effectiveness, durability, safety, maintainability and environmental protection.

3. Substantiation: The Department Administrator shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use.

4. Record of Decision: The details of any action granting approval of an alternate shall be written and entered in the files of the Code enforcement agency.

F. ABSENCE OF VALID SCIENTIFIC INFORMATION:

Where there is an absence of valid scientific information or incomplete scientific information relating to a critical area leading to uncertainty about the risk to critical area function of permitting an alteration of or impact to the critical area, the Responsible Official shall:

1. Take a “precautionary or a no-risk approach,” that appropriately limits development and land use activities until the uncertainty is sufficiently resolved, or determine that protection can be ensured by using an approach different from that derived from the best available science provided that the applicant demonstrates on the record how the alternative approach will protect the functions and values of the critical area; and

2. Require application of an effective adaptive management program that relies on scientific methods to evaluate how well regulatory and nonregulatory actions protect the critical area. An adaptive management program is a formal and deliberate scientific approach to taking

action and obtaining information in the face of uncertainty. An adaptive management program shall:

a. Address funding for the research component of the adaptive management program;

b. Change course based on the results and interpretation of new information that resolves uncertainties; and

c. Commit to the appropriate timeframe and scale necessary to reliably evaluate regulatory and nonregulatory actions affecting protection of critical areas and anadromous fisheries.

**SECTION XVIII**. Section 4-10-090 of Chapter 10, Legal Nonconforming Structures, Uses and Lots, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" is hereby amended to read as follows:

4-10-090 CRITICAL AREAS REGULATIONS – NONCONFORMING ACTIVITIES AND STRUCTURES:

A legally nonconforming, regulated activity or structure that was in existence or approved or vested prior to the passage of the Critical Area Regulations, RMC 4-3-050, and to which significant economic resources have been committed pursuant to such approval but which is not in conformity with the provisions of RMC 4-3-050 may be continued; provided, that:

1. No such legal nonconforming activity or structure shall be expanded, changed, enlarged or altered in any way that infringes further on the critical area that increases the extent of its nonconformity with this Section without a permit issued pursuant to the provisions of RMC 4-3-050;

2. Except for cases of on-going agricultural uses, if a nonconforming activity is discontinued pursuant to RMC 4-10-060, any resumption of the activity shall conform to this Section;

3. Except for cases of on-going agricultural use, if a nonconforming use or activity or structure is destroyed by human activities or an act of God, it shall not be resumed or reconstructed except in conformity with the provisions of RMC 4-3-050 and RMC 4-10-050 and 060;

4. Activities or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming activities.

**SECTION XIX.** Section 4-10-100 of Chapter 10, Legal Nonconforming Structures, Uses and Lots, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" is hereby amended to read as follows:

4-10-100 VIOLATIONS OF THIS CHAPTER AND PENALTIES:

Penalties for any violations of any of the provisions of this Chapter shall be in accord with chapter 1-3-2 RMC.

**SECTION XX.** Section 4-11-010, Definitions A, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" is hereby amended by adding the following definition, to read as follows:

ARTIFICIAL CHANNEL: A stream channel that is entirely manmade but does not include relocated natural channels.

**SECTION XXI.** Section 4-11-020, Definitions B, of Chapter 11, Definitions,

of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" is hereby amended by adding the following definition, to read as follows:

BASEMENT: (This definition for RMC 4-3-050, flood hazard regulations, use only.) Any area of the building having its floor subgrade (below ground level) on all sides.

**SECTION XXII.** Section 4-11-030, Definitions C, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" is hereby amended by deleting the definition of "Creek."

**SECTION XXIII.** The definition of "Critical Areas" in Section 4-11-030, Definitions C, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" is hereby amended to read as follows:

CRITICAL AREAS: Wetlands, aquifer protection areas, fish and wildlife habitat, frequently flooded and geologically hazardous areas as defined by the Growth Management Act and Section 4-3-050, Critical Area Regulations, in this Title.

**SECTION XXIV.** The definition of "Critical Facility" in Section 4-11-030, Definitions C, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" is hereby amended to read as follows:

CRITICAL FACILITY: A facility for which even a slight chance of flooding, high geologic hazard, or inundation in the areas of flood hazard or volcanic hazard might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and

emergency response installations, and facilities that produce, use or store hazardous materials or hazardous waste.

**SECTION XXV.** Section 4-11-040, Definitions D, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" is hereby amended by adding the following definitions, to read as follows:

DAYLIGHTING: Restoration of a culverted or buried watercourse to a surface watercourse.

DEVELOPMENT: (This definition for RMC 4-3-050, flood hazard regulations, use only.) Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

**SECTION XXVI.** The definition of "Density, Net" in Section 4-11-040, Definitions D, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" is hereby amended to read as follows:

DENSITY, NET: A calculation of the number of housing units and/or lots that would be allowed on a property after critical areas, i.e. very high landslide hazard areas, protected slopes, wetlands, Class 1 to 4 streams and lakes, or floodways, and public rights-of-way and legally recorded private access easements serving three (3) or more dwelling units, are subtracted from the gross area (gross acres minus streets and critical areas multiplied by allowable housing units per acre). Required critical area buffers, streams that have been daylighted including restored

riparian and aquatic areas, and public and private alleys shall not be subtracted from gross acres for the purpose of net density calculations.

**SECTION XXVII.** Section 4-11-080, Definitions H, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" is hereby amended by adding the following definitions, to read as follows:

HAZARD TREE: Any tree or tree part that poses a high risk of damage to persons or property as certified by a qualified arborist and accepted by the City.

HIGH BLOWDOWN POTENTIAL: An area where field conditions indicate the potential for tree blowdown is high. Evidence may include the presence of toppled trees in the area, and thin or saturated soils.

HYPORHEIC ZONE: The saturated zone located beneath and adjacent to streams that contains some portion of surface waters, serves as a filter for nutrients, and maintains water quality.

**SECTION XXVIII.** Section 4-11-090, Definitions I, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" is hereby amended by adding the following definition, to read as follows:

INTERMITTENT: A condition where water is not present in the channel year round during years of normal or above normal rainfall.

**SECTION XXIX.** The definition of "Lowest Floor" in Section 4-11-120, Definitions L, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260

entitled "Code of General Ordinances of the City of Renton, Washington" is hereby amended to read as follows:

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of RMC 4-3-050.I. 3.a.ii.

**SECTION XXX.** Section 4-11-140, Definitions N, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" is hereby amended by adding the following definition, to read as follows:

NORMAL RAINFALL: Rainfall that is at the mean or within one standard deviation of the mean of the accumulated annual rainfall record, based upon the water year for King County as recorded at the Seattle-Tacoma International Airport by the graph shown at King County Department of Natural Resources and Parks' Water and Land Resources Division's Hydrologic Information Center (http://dnr.metrokc.gov/hydrodat/seatacprecip.asp).

**SECTION XXXI.** Section 4-11-160, Definitions P, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" is hereby amended by adding the following definition, to read as follows:

PERENNIAL: Waters which flow continuously.

**SECTION XXXII.** Section 4-11-170, Definitions Q, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General

Ordinances of the City of Renton, Washington" is hereby amended by adding the following definition, to read as follows:

QUALIFIED PROFESSIONAL: A person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant subject in accordance with WAC 365-195-905(4). A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, and professional experience related to the subject habitat or species.

**SECTION XXXIII.** Section 4-11-180, Definitions R, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" is hereby amended by adding the following definition, to read as follows:

RIPARIAN AREA: The upland area immediately adjacent to and paralleling a body of water and is usually composed of trees, shrubs and other plants. Riparian functions include bank and channel stability, sustained water supply, flood storage, recruitment of woody debris, leaf litter, nutrients, sediment and pollutant filtering, shade, shelter, and other functions that are important to both fish and wildlife.

**SECTION XXXIV.** Section 4-11-190, Definitions S, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" is hereby amended by adding the following definitions, to read as follows:

SALMONID MIGRATION BARRIER: An in-stream blockage that consists of a natural drop (no human influence) with an uninterrupted slope greater than 100-percent (45 degree angle) and a height in excess of 11 vertical feet within anadromous salmon-bearing waters or a

height in excess of 3 vertical feet within resident trout only bearing waters. Human-made barriers to salmonid migration (e.g., culverts, weirs, etc.) shall be considered barriers to salmonid migration by this definition, only if they were lawfully installed; permanent; present a complete barrier to salmonid passage based on hydraulic drop, water velocity, water depth, or any other feature which would prevent all salmonid from passing upstream; and in the opinion of the City Reviewing Official cannot be modified to provide salmonid passage without resulting in significant impacts to other environmental resources, major transportation and utility systems, or to the public, and would have significant expense. For the purposes of this definition significant expense means a cost equal to or greater than 50% of the combined value of the proposed site buildings, structures, and/or site improvements, and existing buildings, structures, and/or site improvements to be retained.

SCOUR: The erosive action of running water in streams, which excavates and carries away material from the bed and banks. Scour may occur in both earth and solid rock material.

STREAM/LAKE CLASS: The stream and lake waters in the City are defined by class as follows:

1. Class 1: Class 1 waters are perennial salmonid-bearing waters which are classified by the City and State as Shorelines of the State.

2. Class 2: Class 2 waters are perennial or intermittent salmonid-bearing waters which meet one or more of the following criteria:

a. Mapped on Figure 4-3-050.Q.4, Renton Water Class Map, as Class 2; and/or

b. Historically and/or currently known to support salmonids, including resident trout, at any stage in the species lifecycle; and/or

c. is a water body (e.g. pond, lake) between 0.5 acre and 20 acres in size.

3. Class 3: Class 3 waters are non-salmonid-bearing perennial waters during years of normal rainfall, and/or mapped on Figure 4-3-050.Q.4, Renton Water Class Map, as Class 3.

4. Class 4: Class 4 waters are non-salmonid-bearing intermittent waters during years of normal rainfall, and/or mapped on Figure 4-3-050.Q.4, Renton Water Class Map, as Class 4.

5. Class 5: Class 5 waters are non-regulated non-salmonid-bearing waters which meet one or more of the following criteria:

a. flow within an artifically constructed channel where no naturally-defined channel had previously existed; and/or

b. Are a surficially isolated water body less than 0.5 acre (e.g. pond) not meeting the criteria for a wetland as defined in Section 4-3-050.M.

**SECTION XXXV.** Section 4-11-190, Definitions S, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" is hereby amended by deleting the definition "Stream, Creek, River, or Watercourse."

**SECTION XXXVI.** Section 4-11-220, Definitions V, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" is hereby amended by adding the following definition, to read as follows:

VOLCANIC HAZARDS: Volcanic hazard areas are those areas subject to a potential for inundation from post lahar sedimentation along the lower Green River as identified in Plate II,

Map D, in the report U.S. Department of the Interior, U.S. Geological Survey (Revised 1998). *Volcano Hazards from Mount Rainier, Washington*. Open-File Report 98-428.

**SECTION XXXVII.** The definition of "Wetland Creation" of Section 4-11-230, Definitions W, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" is hereby amended to read as follows:

WETLAND CREATION (OR ESTABLISHMENT): The manipulation of the physical, chemical, or biological characteristics present to develop a wetland that did not previously exist on an upland or deepwater site. Establishment results in a gain in wetland acres.

**SECTION XXXVIII.** The definition of "Wetland Enhancement" of Section 4-11-230, Definitions W, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" is hereby amended to read as follows:

WETLAND ENHANCEMENT: The manipulation of the physical, chemical, or biological characteristics of a wetland (undisturbed or degraded) site to heighten, intensify, or improve specific function(s) or for a purpose such as water quality improvement, flood water retention or wildlife habitat. Enhancement results in a change in wetland function(s) and can lead to a decline in other wetland function, but does not result in a gain in wetland acres. This term includes activities commonly associated with the terms enhancement, management, manipulation, directed alteration.

**SECTION XXXIX.** Section 4-11-230, Definitions W, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of

General Ordinances of the City of Renton, Washington" is hereby amended by adding the following definition, to read as follows:

WETLAND PROTECTION/MAINTENANCE: The removal of a threat to, or preventing decline of, wetland conditions be an action in of near a wetland. Includes purchase of land or easement, repairing water control structures or fences, or structural protection such as repairing a barrier island. This term also includes activities commonly associated with the term preservation. Protection/Maintenance does not result in a gain of wetland acres or function.

**SECTION XL.** The definition of "Wetland, Regulated" in Section 4-11-230, Definitions W, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" is hereby amended to read as follows:

WETLAND, REGULATED: See RMC 4-3-050M1e.

**SECTION XLI.** The definition of "Wetland Restoration" in Section 4-11-230, Definitions W, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" is hereby amended to read as follows:

WETLAND RESTORATION: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into:

*Re-establishment:* the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former wetland. Re-establishment results in rebuilding a former wetland and results in a gain in wetland acres.

*Rehabilitation:* the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions of degraded wetland. Rehabilitation results in a gain in wetland function, but does not result in a gain in wetland acres.

**SECTION XLII.** This Ordinance shall be effective upon its passage, approval, and five days after its publication.

PASSED BY THE CITY COUNCIL this _____ day of _____, 2005.

_____
Bonnie I. Walton, City Clerk

APPROVED BY THE MAYOR this _____ day of _____, 2005

_____
Kathy Keolker-Wheeler, Mayor

Approved as to form:

_____
Lawrence J. Warren, City Attorney

Date of Publication: _____

ORD.1177.4/21/05:ma